The University of North Carolina Publications

James Sprunt Historical Monographs

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Personnel of the Convention of 1861

BY

JOHN GILCHRIST McCORMICK. A.B.

Legislation of the Convention of 1861

BY

KEMP PLUMMER BATTLE, LL.D.

CHAPEL HILL, N. C.
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INTRODUCTION.

By the generosity of Mr. James Sprunt, of Wilmington, the University is enabled to begin a work, which, we are confident will be much appreciated by the enlightened people of the State. This is the periodical publication of monographs designed to elucidate the history of North Carolina.

The University has in its possession much documentary material of a private and public nature, which has never been published. The North Carolina Historical Society has likewise a good supply, interesting and valuable, which has not seen the light of day. Efforts will be made to secure additions from the fortunate possessors of similar stores. It is confidently expected that the officers, students, alumni and friends of the University will be able to make contributions to our knowledge of the past, which students of our State history will be glad to read and to preserve.

The University has not heretofore by any means totally neglected such pious labors. The editors of the ante-bellum *University Magazine* published much historical matter, which students of history all over the Union are eager to secure, now that the numbers have become extremely rare. The editors of its continuation since the re-opening in 1872 have likewise included in its pages many sketches of the lives of our prominent citizens, and many narratives of past events, which, if collected together, would surprise the reading public by their variety and interest. The James Sprunt series will be in a more compact and convenient shape, and will, it is hoped, be correspondingly prized.

This first number is composed of sketches of the dele-

gates of the Convention of 1861, which, called to inaugurate a life and death struggle, contained more of the leading men of the State than any representative body ever held in its limits. It is the work, while a student, of one of our recent graduates, Mr. John Gilchrist McCormick, and reflects credit on his tireless industry and his accuracy. In addition to the facts of the lives of the members, is a succinct history, both of the legislation accomplished and of the propositions defeated, prepared by one of the delegates from the county of Wake, Dr. Kemp P. Battle.

KEMP P. BATTLE.

THE CONVENTION OF 1861.

The Convention of 1861 contained among its delegates very many of the ablest and most distinguished men of the State. Their action in voting, with the concurrence of their constituents, to sever the bonds connecting North Carolina with the government of the United States, plunged the people into the most disastrous civil war of modern times, which resulted in vast destruction of her men and her wealth, in a signal change of her institutions, and a new direction to her civilization. Few of the members are now surviving. The names of most are about to sink into oblivion. Before it becomes impossible to collect the facts of their lives it seems to be a worthy enterprise to rescue them from oblivion and record them for permanent preservation. While accomplishing this pious task, it is thought to be best to add a brief statement of the work of the Convention, which, having no restriction on its powers as representing the people of the State, not only made changes in the constitution, but, to a considerable extent, engaged in ordinary legislation.

It has been said that our people are slow to move, and others less deliberate and more rash have not hesitated to disparage North Carolina's conservatism. When the nation trembled on the verge of the great internal conflict, North Carolina, disapproving all hot-headed measures, hesitated, preferring if possible, the peaceful maintenance of the Union. As a natural consequence, when in December 1860, pressure was exerted upon the General Assembly to induce them to call a convention of the people, there was much opposition not only among the members of the legislature, but also among the people throughout the State, and the measure suffered defeat. A compromise bill finally passed, providing for the election of delegates on the 28th of February, 1861,

and at the same time for a vote on the question of "Convention" and "No Convention," and the delegates were to assemble, provided a majority of the votes should so authorise. The convention was voted down by a small majority. It was evident that North Carolina wished to wait for some overt act before withdrawing.*

When war was inevitable, and it was apparent that the sole question would be one of alignment, Governor Ellis' reply to President Lincoln's call for troops ending with the words, "You can get no troops from North Carolina," voiced the sentiment of his people. He immediately called a special session of the General Assembly, to meet on May 1st, and asked for twenty thousand volunteers, announcing that the war was upon us and we must take our proper place in the controversy. On the same day on which they convened, the General Assembly summoned a Convention without submitting the question to the voters of the State. The election of delegates took place on the 13th of May. To show the ardent attachment to the Union and the strong desire to preserve it, many of the delegates were voted for under special instructions to cast their ballots against secession, but time soon rudely dispelled the delusion which they had cherished, and, when the day for the Convention came, they saw that the momentous question of secession must be squarely faced.†

With this state of affairs before them, the Convention—commonly known as the "Secession Convention"—assembled in the Hall of the House of Commons in the city of Raleigh at eleven o'clock on the morning of the twentieth day of May in the year 1861, and, holding sessions from time to time, did not finally adjourn until May 13, 1862.

The Convention organised by electing Hon. Weldon Nathaniel Edwards, of Warren, President, giving him sixty-five votes to forty-eight for Hon. William A. Graham.

*Moore's History, Vol. II.

†Many of the letters which I have received in regard to delegates, state this as a fact, but Dr. Battle thinks that it is probable that the writers were mistaken, having confused the election on the 13th of May with that in February.

An idea of the relative strength of the two factions will be given by the vote. For Mr. Edwards: Messrs. Arrington, Ashe, Battle of Edgecombe, Biggs, Brodnax, Brown, Bunting, Carson, Cowan, Craige, Cunningham, Darden, Durham, Foy, Fuller, Gee, Graves, Green, Greenlee, Grimes, Hamlin, Hargrove, Henkel, Hicks, Hill, Houston of Duplin, Houston of Union, Howard, Johnston of Gaston, Johnston of Mecklenburg, Lander, Leak, McDowell of Bladen, McDowell of Burke, McDowell of Madison, McNeill of Cumberland, Meares, Miller, Moody, Moseley, Myers, Osborne, Penland, Phifer, Rayner, Reid, Rhodes, Royster, Ruffin, Shaw, Smith of Halifax, Stewart, Strong, Sutherland, Thompson, Thornton, Tracy, Venable, Ward, Washington, Whitford, Williams, Winslow, Woodfin and Wooten—65.

For Mr. Graham: Messrs. Allison, Armfield, Badger, Barnes, Battle of Wake, Berry, Bond, Calloway, Cannon, Christian, Councill, Davidson, Dick, Douthitt, Eller, Ellison, Ferebee, Foster of Ashe, Foster of Randolph, Gilmer, Hearne, Headen, Holden, Jones of Caldwell, Jones of Rowan, Kittrell, Long, Mann, Manning, McNeill of Harnett, Merritt, Mitchell, Patterson, Pettigrew, Sanders, Satterthwaite, Shipp, Smith of Johnston, Smith of Macon, Speed, Sprouse, Spruill of Bertie, Spruill of Tyrrell, Thomas of Carteret, Turner, Walton, Warren, and Wilson—48.

Mr. Osborne of Mecklenburg, nominated Walter L. Steele, of Richmond for Principal Secretary and Mr. Battle of Wake nominated James H. Moore of Guilford. Mr. Steele received ninety six votes and Mr. Moore nineteen. Mr. Steele was declared elected. Leonidas C. Edwards, of Granville, was elected Assistant Secretary, receiving fifty eight votes against thirty three, twelve, and eleven respectively for Messrs. J. A. Fox, of Mecklenburg, J. A. Edwards, of Edgecombe, and Samuel A. Williams, of Granville.

Immediately after the organisation, Hon. George E. Badger presented an ordinance based on the right of Revolution, similar to the Declaration of Independence of 1776, avoiding the question of the legal right of North Carolina to secede

from the Union. This was rejected by the decisive vote of seventy two to forty.

The substitute of Hon. Burton Craige, based on the constitutional right of a state to withdraw from the Union whenever, in its opinion, its interests or dignity required, was adopted unanimously.

"An Ordinance to ratify the Provisional Constitution ofthe Confederate States of America" was adopted on the same day.

At the evening session, in open Convention, the members proceeded to affix their names and places of residence to the ordinance of secession; and *one hundred and twenty*—the whole number provided for by the General Assembly—came forward and signed the instrument.*

Although there was really no Union party in the election of delegates, the election of President and other officers showed that there was a division in the Convention between the original secessionists and the old union men. The latter, who were of the Constitutional Union party, took ground against secession as a legal remedy for the condition of affairs then existing, but agreed that it would be better for North Carolina to cast her fortunes with the other Southern States if coercion should be attempted.

The red-hot secessionist element was always in the minority, but their control of the body, for a long time, was due to the fact that a number of old unionists voted with them. thinking that want of harmony might be construed into hostility to the war. The old union men finally voted together and gained control of the Convention.

As it is our purpose to attempt to give sketches of the mem bers of this body, it would be irrelevant for us to go into a detailed account of the proceedings; but to obtain a proper conception of the personnel of this body, it is necessary to have a definite idea of its general character. In its ranks there was an unusually large number of college men. Out of the total enrollment—one hundred and forty-seven, principal officers included, sixty-seven had had the advantage either in whole or in part of a collegiate education.

*Journals of the Convention.

If we add sixteen physicians who had taken a professional, but not a literary, college course, the total number will reach eighty-three. Of this number, fifty-one claimed the State University as their *Alma Mater*; three each claimed Princeton and Randolph-Macon; two Yale and Wake Forest College; one each the University of Virginia, Davidson College, Trinity College, (North Carolina), Trinity College, (Connecticut,) Columbian University, Hampden-Sidney College, LaGrange College, (Alabama), West Point, Jefferson Literary College, (Pennsylvania,) and Guilford College—then New Garden—not deducting in the latter calculation names occurring more than once.

Some knowledge of the general standing, politically, socially, and commercially of the men comprising it should not be omitted. They were undoubtedly typical representatives of the best citizenship of the State. It was one of the most, if not the most, able body of men ever assembled in the State. Men who had been leaders in the political life of the State for the half-century preceding, and who also had a national reputation were there, while there were others who were soon to gain enviable reputations on the battlefield. Neither must those be forgotten who were to be the help and stay of the State in the "Dark Days of Reconstruction" and who were to do all they could to direct her once more into the channels of peace and prosperity. But it would consume too much time and space to speak of this body as a whole in the manner which it deserves, so we shall consider each delegate separately, taking them in their alphabetical order. Of course in attempting to give similar facts about one hundred and forty-seven men, there will necessarily be more or less unavoidable repetition which will probably grow monotonous to the reader.

In writing this paper, we have been forced to rely largely upon personal correspondence with the relatives of delegates or other persons conversant with the facts, and in several instances all the necessary data have been obtained from the delegate himself. On commencing this undertaking, in September, 1896, all the North Carolina histories, pamphlets of the University and of the Literary Societies, biographies, and

other available matter were consulted. However, they contained but a small proportion of the material necessary for our work and much of this was unsatisfactory and in many cases, as we afterwards discovered, inaccurate. Correspondence was immediately begun and was continued without interruption until May 1897, and intermittently from then until the day of publication during which time more than two hundred letters have been written. As a result, more than a hundred sketches never before published have been obtained and many facts supplementing the accounts of others given elsewhere have been obtained. Owing to the fact that some people either misunderstood the motive of the work or allowed the matter to be overlooked, much trouble and delay have been caused, and needed data have not been obtained. For the same reason it was necessary to write many times to obtain the facts desired in each case. Some sketches are meager because the relatives of the subject of inquiry had moved to other States and when written to there, were unable to furnish exact dates on account of the loss of family records; in other instances the meagerness is due to the fact that the contemporaries of the subject of inquiry and all of his near relatives were dead. In many cases, relatives have kindly lent family records and other valuable data.

In the foot notes the writer has endeavored to give proper credit to the large number of persons who have so carefully and considerately answered his letters of inquiry. To them may be ascribed whatever of accuracy the paper may possess. Frequent credits have been given to *Prominent Living North Carolinians*, by Professor Jerome Dowd, to both Wheeler's History and Reminiscences, and to Moore's History, but so often were they consulted that no acknowledgement has been made when there was a collateral source of information for the facts given. To Dr. Kemp P. Battle, whose advice and assistance made the work possible, are due my greatest and most lasting obligations.

Before beginning the subject proper, a few explanations are necessary. At or very near the beginning of the first

sentence in regard to the subject of each sketch is given the name of the delegate and the county which he represented in the Convention and the name of the county simply is given and neither the abbreviation, "Co." nor the word "county", is written after it, as we deem either of them needless. Neither is the name of the state written after either towns or counties except when they are not in North Carolina. The use of titles is generally avoided and simple Mr. and the third personal pronoun are, for the most part, used. In giving the parentage, the mother's maiden name is usually, when known, enclosed in parentheses immediately preceding her husband's name. Recognising our inability to form a proper estimate of the merits of each delegate we have, with few exceptions, avoided laudatory terms and have endeavored to confine ourselves to concise and accurate statement of facts.

PERSONNEL OF THE CONVENTION OF 1861.

ALLISON, THOMAS ALEXANDER.*

In following the alphabetical order, the name of Thos. A. Allison of Iredell comes first. He was born on December 19, 1794, near Statesville. His parents, Thomas and Esther (Neill) Allison were both of Scotch-Irish descent. He was one of the largest farmers in Iredell and also one of the largest slave owners. He represented his native county in the State Senate in 1829, '32 and '42 and in the House of Commons in 1864 and '66. Although he spoke but seldom he was recognized as a leader in the Whig party and a leader who could be relied upon to do what was right. He was a member of the old County Court for a number of years. He was opposed to secession. He was, for many years, a Ruling Elder in the Presbyterian Church. He was descended from the McAllisters of Scotland on his father's side. He died February 24, 1879.

ARMFIELD, ROBERT FRANKLIN.†

The delegate from Yadkin was Robert Franklin Armfield, who was born three miles west of Greensboro on July 9, 1829. At fourteen years of age, he entered Trinity College, then Union Institute, just starting under Rev. Dr. B. Craven. After he was twenty, he taught school a year; then read law under Hon. John A. Gilmer, and settled at Yadkinville, Yadkin Co. He resigned his seat in the Convention to go to war as First Lieutenant of Company B, Thirty-eighth Regiment North Carolina Troops, and was soon afterwards promoted to Lieutenant-Colonel. He took part in the "Seven

*Prof. D. Matt Thompson, Statesville.
†Wheeler's Reminiscences.

Day's Fight" around Richmond. Being wounded at the battle of Shepardstown in October 1862, he returned home, and while at home the legislature elected him Solicitor of the Sixth Judicial District, which office he held until the close of the war. In 1865, he removed to Wilkesboro, and, five years later, to Statesville. In 1874, Mr. Armfield represented Iredell, Wilkes, and Alexander in the State Senate and was elected President of that body, and thus was next in succession to the Governor. Two years later he was elected to Congress from the Seventh District and was re-elected at the next election. He was in 1888 appointed to the Superior Court bench; was elected to it at the next ensuing election and served upon it with distinction.* He died Nov. 9, 1898.

ARRINGTON, ARCHIBALD HUNTER.†

A. H. Arrington of Nash, son of John and Elizabeth (Mann) Arrington, was born in the above county at Hilliardston on November 13, 1809. His mother was Mrs. Elizabeth Nicholson at the time she married John Arrington. His ancestors, both paternal and maternal, were English. He received his education at the Louisburg Male Academy under John B. Bobbitt, and at an early age studied law. He practised law and was a successful planter. From 1841-'43, he represented his district in Congress. He was also Chairman of the Nash County Court for a number of years. In February 1862, being elected by the Convention a member of the Confederate House of Representatives, he resigned his seat in the Convention for one in the Confederate Congress where he served two terms. He believed in the right of a state to secede. After the war, he held no public office. He died July 20, 1872.

ASHE, WILLIAM SHEPHERD.‡

The grandson of Governor Samuel Ashe and the son of Samuel and Elizabeth (Shepherd) Ashe was William Shep-

*Charlotte Observer, November 10, 1898.

†Thomas M. Arrington, Washington, D. C.

‡Letter from James Sprunt, Esq.

herd Ashe of New Hanover, who was born September 14, 1814. His ancestors were English, the Ashes coming directly from England. He was educated at Trinity College, Connecticut, and entered on the practice of law in 1835, but soon devoted himself exclusively to rice planting. He was the father of the North Carolina Railroad, having drawn and introduced the bill chartering that company and appropriating two million dollars state aid for its construction. He held the following public offices: State Senator, 1847–'48; Member of Congress, 1849–'55; In charge of the Transportation of Confederate Troops with rank of Major. In 1855 he became President of the Wilmington and Weldon Rail Road Company, and was soon recognised as one of the best railroad men in the South. While riding on a hand-car near the East River bridge on that road, he was run down by an express train and received injuries from which he died in his home at Rocky Point on September 14, 1862.

Atkinson, Peyton Ashley.*

P. A. Atkinson, son of Ashley and Rebecca (Tunstall) Atkinson, was born in 1823. He spent one year at Princeton, 1841, and one at William and Mary College, Williamsburg, Va., but did not graduate. He was a farmer and accumulated a large fortune prior to the war. He was a Whig and a conservative secessionist. He was a member of the Methodist Episcopal Church South and built a church on his own plantation in Pitt county for the use of the whole community.† General Bryan Grimes resigned as a delegate to the Convention from Pitt at the close of the first session and Mr. Atkinson was elected to fill the vacancy.

Badger, George Edmund.‡

One of the Wake delegates was George Edmund Badger, a

*Repeated efforts have been made to obtain a full and accurate sketch of Mr. Atkinson, but they have as yet been unavailing. However the writer hopes to be able to add the facts omitted here in an appendix.

†Hon. Elias Carr, Old Sparta.

‡*Wheeler's History, Lives of Distinguished North Carolinians.*

very able lawyer, who had been Secretary of the Navy under John Tyler, but resigned when the policy of the administration was changed. Both of Badger's parents were devoted Revolutionary patriots. His father was a native of Connecticut, and his mother was Lydia Cogdell, a daughter of Richard Cogdell, a member of the Council of Safety of 1775. He was born in New Berne April 17, 1795. He was a student at Yale University in the class of Dr. Elisha Mitchell, but did not remain to graduate. He studied law under John Stanly, his kinsman. In 1814, he was Aid-de-Camp to General Calvin Jones with rank of Major. He was admitted to the bar before he was of age, and by appointment of a judge was a Solicitor of the State. The year of his majority, he represented the borough of New Berne in the General Assembly. He then made successively Hillsboro, Warrenton, and Louisburg, his home. In 1820, he was elected a Judge of the Superior Court and acted as such for four years, and then removed to Raleigh and devoted himself to his profession. He was Secretary of the Navy under Harrison and for a short while under Tyler, and was United States Senator 1846–'55. In 1851 the President nominated him for a seat on the Supreme Court bench, but the Senate, being Democratic, failed to confirm the nomination. In 1834, the University of North Carolina and Yale conferred the degree of LL.D., upon him. He was a Trustee of the former institution for twenty-six years. "His great power as a lawyer," says Wheeler, "was acknowledged by both bench and bar." Mr. Badger was a consistent member of the Episcopal Church. A stroke of paralysis ended his long and distinguished career on May 11, 1866.

Bagley, Doctor Warren.*

Doctor Warren Bagley was elected to fill the vacancy caused by the resignation of Judge Asa Biggs. He was the son of William and Sarah (Warren) Bagley and was born in Martin, September 2, 1801. Mr. Bagley was of English extraction on both sides. He was a merchant and by prudence

*Letter from James E. Moore, Williamston.

and thrift succeeded in accumulating a comfortable fortune. He never desired political preferment and the only public office that he ever held except that of delegate to the Convention from his native county, was Treasurer of that county. He opposed secession until he thought there was no other alternative. He served for many years as President of the Board of Trustees of Williamston Academy and as Director of the Williamston and Tarboro Rail Road Co. Mr. Bagley died February 27, 1878.

Barnes, David Alexander.*

David Alexander Barnes, of Northampton, the son of Collin Williams and Sarah Barnes, was born at the old homestead in the above county, near the Hertford line, on September 16, 1819. He was graduated from the University of North Carolina in 1840, and read law under Judge Gaston. His first public service was in the House of Commons in 1844 to which he was re-elected in 1846 and again in 1850. He was Presidential Elector on the Scott and Graham ticket in 1852; was Presiding Justice of the Hertford County Court for several years, and was Aid-de-Camp to Governor Vance during the war. In 1865 the Legislature elected him a Superior Court Judge, but he resigned upon the adoption of the Constitution of 1868. After the war, Judge Barnes built up a large practice. He resided in an elegant home near Murfreesborough to which place he removed after his marriage. He passed away on June 24, 1892.†

Batchelor, Littleberry Watts.‡

L. W. Batchelor, of Halifax, son of James Watts and Mary Lane (Shelton) Batchelor, was born in that county, January 13, 1823. After attending Bingham School (Hillsboro) for about two years, he went to Philadelphia to study medicine and, as soon as he received his diploma, located in his native

*Prominent Living North Carolinians, by Jerome Dowd.
†Sketch by Pulaski Cowper, Esq., Raleigh.
‡Hon. J. B. Batchelor, Raleigh.

county. He devoted most of his time to practice and cared little for politics and public office. He was for many years a Justice of the Peace and also a member of the old County Court. Mr. Batchelor was a devoted Southerner and a firm believer in the right of a State to secede, and this together with the requests of his friends induced him to become a candidate for the Convention. He was of English descent and a member of the Methodist Episcopal Church, South. He died in Enfield on January 4, 1885.

BATTLE, KEMP PLUMMER.*

Kemp P. Battle, of Wake, was born in Franklin county, near Louisburg, December 19, 1831. His father was Judge Wm. Horn Battle, for many years on the Superior and Supreme Court Benches. His grandfather, Joel, who erected in 1820 one of the first cotton factories in the State, was the son of William, whose father was Elisha Battle, the progenitor of the race in North Carolina, a member of the Constitutional Convention of 1776 and of the State Senate throughout the Revolutionary War. His mother was a daughter of Kemp Plummer, a lawyer, of Warrenton, of an old Virginia family, one of whom was Governor Kemp of Virginia in the time of Charles I. He was graduated from the University of North Carolina in 1849 with first honors†; was Instructor of Latin and Greek 1849–'50, and then Tutor of Mathematics four years in his *Alma Mater*. He read law under his father and located in Raleigh in 1854. He was a Director of the Bank of North Carolina for several years. From 1862–'66 he was President of the Chatham Railroad Company, the object of which was to develop the coal fields of Chatham County and to connect them with the railroad systems of the State. In 1866 he was elected Treasurer of the State and served two and a half years. He was elected in 1869 President of the State Agricultural Society, being the first president after the war. He was Secretary and Treasurer of the University of North Carolina in 1874-

*Dr. K. P. Battle.

†University Records.

1876 and wase lected President of this institution in 1876 serving until 1891, when he resigned to become its Alumni Professor of History, which position he now occupies. He and his father were in 1868 deputies to the Episcopal General Convention in Philadelphia, which restored the relations between the Northern and Southern Episcopalians which had been ruptured during the civil war. Dr. Battle has also served as Director of the Insane Asylum at Raleigh and as a Trustee of the State University for a number of years. He has written various historical monographs, among them the following: two on the "History of the City of Raleigh"; "History of the University of North Carolina", "History of the Supreme Court", ordered published by the judges in the Supreme Court reports; "Sketches of the Early History of the University"; "Leaders of the Church of England in the Colonial Period in North Carolina"; "Trials and Judicial Proceedings in the New Testament." Previous to the war he was a Whig. He was a strong unionist until the breaking out of the war, being President of the Union Club of Wake. He has been, for many years, a member of the Episcopal Church. Davidson College conferred upon him the degree of Doctor of Laws.

Battle, Lucien Napoleon Bonaparte.*

L. N. B. Battle, of Nash, was born near Nashville on February 22, 1830, of parentage, Lawrence and Martha (Arrington) Battle. He was a farmer, and was a Judge of the county and a Justice of the Peace for a number of years. He served in the House of Commons and in the State Senate, and was a salt commissioner during the civil war. He was a Democrat and secessionist previous to the war and a Republican after 1869. He died May 10, 1897.

Battle, William Smith.†

W. S. Battle, of Edgecombe, was born in that county on October 4, 1823, on a plantation bought by his great-grand-

*A. W. Battle, Nashville.

†Dr. Kemp P. Battle.

father, Elisha Battle, from the Earl of Granville. His father was James Smith Battle, son of Jacob, whose father was Elisha Battle, mentioned in a preceding sketch. His mother was Harriet, daughter of Samuel Westray of Nash county. He was graduated at the University of North Carolina in 1844. He is a farmer and was for years a cotton manufacturer, his factory at the Falls of the Tar being one of the oldest in the State. He was an "Old Jeffersonian Democrat" and a firm believer in the right of secession. Mr. Battle has never held any public office except that of delegate to the Convention and is still living on his plantation near Tarboro.

BERRY, JOHN.

John Berry, of Orange, son of John and Rosamond Berry, was born in Hillsboro, March 25, 1798. His extraction was English. He never attended school over five months in his life, yet he became a well-read and an unusually intelligent man and could solve the problems of Euclid with ease. He was a builder and contractor and erected a number of public buildings, among them the University Library and the Oxford Orphan Asylum. Mr. Berry defeated Hugh Waddell for the State Senate in 1848, and was re-elected in 1850,'52,'64 and '66. The opponents of William A. Graham and John Berry as delegates to the Convention were Pride Jones and H. K. Nash. He was a Democrat and opposed to secession. He died January 20, 1880.

BIGGS, ASA.†

Judge Asa Biggs was born in Williamston in the county of Martin on the 4th day of February, 1811. His father was the Rev. Joseph Biggs, of the Primitve Baptist Church, and his mother was Chloe Biggs, whose maiden name was Daniel.

He received his license to practice law in the County Court in 1831. He was from the beginning of his career a Democrat, differing from members of his family. His first public

*Mr. J. W. Graham, Hillsboro.

†Frank W. Kellinger, Norfolk, Va.

service was at the age of twenty-four in the Convention of 1835. He was a member of the House of Commons in 1840 and again in 1842, and of the State Senate in 1844. He was elected to the House of Representatives in 1845 and was again a candidate in 1847, but suffered defeat. The Legislature of 1854 elected him to the United States Senate, where he served until 1858, when President Buchanan appointed him to fill the United States District Judgeship for North Carolina made vacant by the death of Judge Potter, which position he held until the civil war. In 1851 Governor Reid appointed Judge Biggs with Hons. B. F. Moore and R. M. Saunders to revise and compile the Statutes of North Carolina, the result of which was the "Revised Code" of 1854. He resigned from the Convention of 1861 to accept the Confederate District Judgeship. After the war terminated he did not again enter public life. In 1870 he formed a partnership for the practice of law with Hon. W. N. H. Smith. He had large business interests in Norfolk, Virginia, where he later removed, and died there on March 6, 1878. In religion he was a Primitive Baptist. Judge Biggs believed that any State had the right, when sufficient cause existed, to withdraw from the Union by the same method by which it entered, and by such a proceeding the citizens were absolved from further allegiance to the United States. He advocated the plan of constructing a railroad from Beaufort to the mountains at the expense of the State.

Bogle, Alexander McCuein.*

Alexander McCuein Bogle, of Alexander, was elected to fill the vacancy caused by the death of A. C. Stewart. He was the son of Joseph M. Bogle, who was for many years Sheriff of Iredell county before Alexander was taken off. He was born in the part of Iredell now Alexander and was of Scotch-Irish extraction. He was graduated from Davidson College in 1843; read law under Chief Justice Pearson, and received his license in 1845. He served one term in the House of Commons (1854), and one in the State Senate (1864). In religion

* Col. M. L. McCorkle, Newton.

he was a Presbyterian and in politics an "Old Line Whig." He was not an original secessionist, but changed his views after Lincoln's proclamation. Mr. Bogle died in 1875.

BOND, JAMES*.

The junior member from Bertie was born in that county on April 8, 1831. His parents, Louis and Clarissa (Smithwick) Bond, were both of English ancestry. He received his preparatory education at Oak Grove Academy under Patrick H. Winston, was graduated from Wake Forest College in 1852 and immediately thereafter chose farming as his life work. He has held the following public offices: Member of the House of Commons in 1862 and 1864; Chairman of the Inferior Court of Bertie, and President of the County Farmers' Alliance. He was originally opposed to secession. Mr. Bond is a member of the Baptist Church and is still living.

BRODNAX, EDWARD TRAVIS.†

Edward Travis Brodnax, of Rockingham, born in Brunswick county, Virginia, on March 31, 1796, was the son of W.E. and Sallie (Jones) Brodnax. His mother was a daughter of Frederick and a sister of Pride Jones of the Revolution. During the war of 1812 he joined a company raised in his native county and served as a private in the defence of Norfolk. After the war he went to the University of Pennsylvania to study medicine and, upon receiving his degree, settled on a large estate given him by his father in Rockingham county. Dr. Brodnax represented his adopted county in the House of Commons in 1823, in the State Senate in 1828, and in the Convention of 1835, being amongst the few who served both in this Convention and that of 1861. He was the colleague of David S. Reid in the latter body. Dr. Brodnax and Judge Thomas Settle, Jr., were elected in February to the Convention which was voted down. He died January 7, 1874.

* Hon. Francis D. Winston, Windsor.

† Gen. James D. Glenn, Greensboro.

Brown, Bedford.*

An ardent Whig and one of Andrew Jackson's most intimate friends and warmest admirers, was Bedford Brown, of Caswell, son of Jethro and Lucy (Williamson) Brown, who was born in Caswell in 1792. His ancestors, paternal and maternal, were English, the Browns having come to America from Bedfordshire, England. He attended the University of North Carolina two years, 1813 and 1814. In 1815–'16–'17, and again in 1823 he represented his native county in the House of Commons, and 1828 and '29 in the State Senate during which time he was Speaker of that body. In 1829, he was elected to the United States Senate by a majority of one vote. At the expiration of his term of office he was re-elected, serving until 1840, when he resigned under instructions from the General Assembly. In 1842, he was again a candidate for the United States Senate, but was defeated. He removed to Missouri, but soon returned to his native county, and his constituents returned him to the State Senate in 1858, '62 and 1868 and to the Conventions of 1861 and of 1865. He was a strong advocate of States' Rights, but was opposed to secession, until the war began, because he did not think that it would be best for the South. Death ended his public service of almost three score years on December 6, 1870.

Bunting, Thomas.†

Dr. Thomas Bunting born August 8, 1801, was a native Sampsonian. He was of English-Irish extraction, his paternal ancestors emigrating from Derbyshire, England in 1642, and settling near Philadelphia. His parents were Richard and Mary (Clinton) Bunting. He attended the State University in 1822; then studied medicine which he afterward practised to some extent, but later devoted his entire time to farming. Dr. Bunting served in the State Senate in 1836, '38, '50 and '52. He was delegate to the National Democratic Convention in Baltimore in 1852 and was, for a number of years, Clerk

*Bedford Brown, M.D., Alexandria, Va.

†Hon. John H. Hill, Goldsboro.

and Master in Equity. He believed in secession as one of the reserved rights of the State and that the South had just cause to withdraw from the Union. He died April 19, 1871.

BRYSON, JAMES HOMES.*

J. H. Bryson, of Cherokee, succeeded A. T. Davidson, resigned. His parents were Andrew and Margaret (White) Bryson, both of Scotch-Irish descent. He was born in Haywood county, January 28, 1818. At the age of seventeen he removed to Cherokee county and engaged in merchandising. He was, at one time, employed on the topographical survey of the Cherokee nation. In 1838 he joined the United States army, but resigned soon after they succeeded in transferring the Indians, and again went into the mercantile business at Fort Butler (now Murphy). From 1840–'52, he was Clerk of the Court in his county, and was a member of the House of Representatives in 1862 and of the State Senate in 1864. He is a member of the Methodist Episcopal Church, South. Mr. Bryson is still living at Andrew, N. C. where he is a hotel proprietor and farmer. He was an opponent of secession until Lincoln's proclamation.

CALDWELL, PINCKNEY COTESWORTH.†

P. C. Caldwell, of Mecklenburg, oldest son of Captain Samuel and Elizabeth (Gulick) Caldwell, was born in Gaston county on August 2, 1802. His parents were both of Scotch-Irish extraction. His father was a captain in the Revolutionary war. After being graduated in medicine at Transylvania University, Lexington, Kentucky, he located in Mecklenburg county, and for many years was one of the most prominent physicians of the county. Dr. Caldwell never sought public office and never held any except that of delegate to the Convention in place of William Johnston, resigned. He was a staunch Democrat, a strong secessionist, and an Episcopalian He died January 26, 1865.

*Miss Laura Bryson, Franklin.
†Mrs. K. C. Guion, Charlotte.

CALDWELL, RICHARD ALEXANDER.*

Upon the election of Burton Craige to the Confederate Congress, Richard Alexander Caldwell of Rowan, third son of Judge David and Fanny (Alexander) Caldwell was elected by the people of the county to fill the vacancy. He was born in Salisbury on August 27, 1827. He was descended on both sides from good old Revolutionary stock, David Reese, one of the signers of the Mecklenburg Declaration, and Judge Richard Henderson being among his ancestors. He was graduated from the University of North Carolina in 1848; studied law, and settled in Salisbury. Before the war he was Solicitor for Stanly county a number of years. He was a Director of the Western North Carolina Rail Road Company from Salisbury to the Tennessee line for a period of years. He was not an original secessionist. At the time of his death, July 10, 1882, Mr. Caldwell was a member of the Roman Catholic Church.

CALLOWAY, JAMES.†

One of the oldest families in the counties of Wilkes and Ashe are the Calloways who are of Scotch-Irish extraction. Dr. James Calloway of Wilkes was born in Ashe county on July 23, 1806. His father, Elijah Calloway, was a native of Virginia and a nephew of Daniel Boone. Soon after attaining his majority, he was graduated from Jefferson Medical College, Philadelphia and settled in Wilkes county. At this time and for many years afterward, there was no other physician possessing a degree in the whole extent of the country between Wytheville, Virginia, and Statesville, N. C. His practice was consequently very large and laborious, embracing in its range an area now constituting seven counties. Dr. Calloway was a member of the House of Commons three terms, 1828, '30 and '31. He was a Whig and at first opposed secession, but, after voting for it, gave to the Confederacy his earnest support. He was a large property owner, but his

*Dr. J. A. Caldwell, Salisbury.

†Calvin J. Cowles, Esq., Wilkesboro, T. C. Bowie, Obids.

affairs became almost hopelessly embarassed after the war. Much of his property was in Kansas, where he removed in 1870, but after two years, with broken health and fortune, he returned to Wilkesboro and died there on December 25, 1878, a member of the Episcopal Church which he had joined thirty years before.

CANNON, JOSEPH S.*

J. S. Cannon, of Perquimans, was born in that county January 1, 1823, and died in Norfolk, Virginia, April 2, 1882. His ancestors were English Quakers. He attended the University of North Carolina in 1848–'49; then studied law and located in his native county. He was elected Clerk and Master in Equity in 1850, and was continuously re-elected for seventeen years. He served on the staff of Governor Vance during the war. He was a Whig and opposed to secession.

CARSON, JASON HAZARD.†

Jason H. Carson, born at Green River, Rutherford—later Polk county—on November 10, 1814, was the son of Joseph McDowell and Rebecca (Wilson) Carson.‡ He was a farmer and was an Episcopalian. He was never a candidate for public office, and never held any except that of delegate to the Convention from Rutherford and Polk counties. In 1856, Mr. Carson predicted a war between the States and said that the North would prevail and free the negroes, and so strongly was he imbued with this conviction that he sold slaves and invested in lands, but after the Southern States seceded, he became an enthusiastic secessionist and so sanguine of success that he exchanged the lands for slaves. He died in Spartanburg, South Carolina on June 12, 1865. His place in the Convention was filled by Dr. George W. Michal.

*Hon. Thomas G. Skinner, Hertford.

†Ralph K. Carson, Spartanburg, S. C.

‡Dr. .J. C. Twitty, Twitty.

CHRISTIAN, SAMUEL H.*

S. H. Christian, of Montgomery, was born at Lawrenceville, Montgomery county, May 20, 1805. The Christians were of English ancestry and came to North Carolina from Virginia, settling on the fertile bottom-land of the Pee Dee River in the above county. When a very small boy he had the misfortune to be injured in such a manner as to make him a cripple for life. He received his education at the neighborhood schools and at an early age embarked in the mercantile business. He soon united farming with it and was very successful in both. He also added a large flouring mill to his other interests. He represented his county in the State Senate in 1854 and '56. He was strongly opposed to secession. He was elected to the Confederate Congress in 1863, but died, March 2, 1864, before taking his seat.

COWAN, ROBERT H.†

R. H. Cowan, one of the New Hanover delegates, was born in Wilmington, August 23, 1824. His parents, Robert H. and Sally (Turner) Cowan were of Scotch-Irish and English descent respectively. In 1840 he entered the State University receiving, with highest honors, the degree of Bachelor of Arts four years later. Very soon after being graduated, he married Eliza Jane Dickinson and engaged in the manufacture of lumber with his father-in-law under the firm name of P. K. Dickinson & Co. He resigned from the Convention to become Lieutenant-Colonel of the Third Regiment North Carolina Troops. Upon the re-organization of the twelve months' volunteers, he was elected Colonel of the Eighteenth Regiment and remained with them until he was wounded in the "Seven Day's Fight" around Richmond and was incapacitated from further service. In 1864 he was elected President of the Wilmington, Charlotte and Rutherfordton Rail Road Company and remained at the head of the corporation until deposed by Governor Holden. In 1866–'67 he served in the

*Mrs. L. A. Ingram, Mt. Gilead.
†David S. Cowan, Robeson,

House of Commons. He was an adherent of the Episcopal Church.* Colonel Cowan's death took place November 11, 1872 and was supposed to have been caused by the wound mentioned above.

COUNCILL, JAMES WILLIS.†

The delegate from Watauga was James Willis Councill, son of Jordan and Sallie (Boone) Councill, born at Howard Post Office (now Boone) December 29, 1826. He was of English-German ancestry. He held the office of Justice of the Peace for thirty-five years; Clerk and Master in Equity six years and Lieutenant of Company D, Ninth Regiment North Carolina Troops, until discharged on account of disability. He favored secession. Mr. Councill died November 19, 1884.

CRAIGE, BURTON.‡

Fighting on the side of Charles Edward at Culloden, were the ancestors of Burton Craige, of Rowan, and immediately after the defeat of the "Pretender," they came to America, settling in North Carolina. Burton, son of David Craige, was born in Rowan county on March 13, 1811. Prepared for college by Rev. Dr. J. O. Freeman, he entered the State University in 1824 and was graduated four years later. His name appears in the college records as Burton Francis Craige, but in after life, he dropped the middle name. He, at first, embarked in journalism editing the "Western Carolinian" for several years; then studied law, obtaining his license in 1832. He represented the borough of Salisbury in the House of Commons the same year. He was elected to Congress four successive terms (1853–'61). In the Convention of 1861 Mr. Craige offered the ordinance of secession which was adopted. The Convention elected him to the Confederate Congress, giving him sixty-four votes to thirty-seven for William R.

*James Sprunt, Esq., Wilmington.

†George W. Councill, Boone.

‡Wheeler's Reminiscences, *U. N. C. 1789–1889.*

Myers of Mecklenburg. His *Alma Mater* conferred upon him the degree of LL.D., in 1847. On December 30, 1875, Mr. Craige died at Concord while attending court.

CUNNINGHAM, JOHN WILSON.*

J. W. Cunningham, of Person, was the son of Alexander and Mattie (Wilson) Cunningham, and was born February 6, 1820, in the city of Petersburg, Virginia. He attended Bingham School and the University of North Carolina and was graduated from the latter in 1840. His father was a wholesale merchant of Petersburg and had purchased a large tract of land in Person county where he had established a branch store. Here his son settled and soon became a successful merchant and planter. He represented his county in the State Senate for eight years (1852-'60), in the House of Commons in 1864 and again in the Senate in 1866, '72 '77 and '79. He was a member of the Council of State during the administrations of Governors Ellis and Clark and Collector of his district during the war. In addition to these, he filled every office in his county and was, for many years, Presiding Justice of the County Court. In 1880 there was not a single vote in his township cast against him. Other public offices were often tendered him but he invariably declined all those which would necessitate his absence from his large mercantile and farming interests for any length of time. He was a member of the Episcopal Church. He died July 15, 1887.

DARDEN, WILLIAM A.†

W. A. Darden, of Greene county, was the son of William A. and Harriet (Speight) Darden. Both the Dardens and the Speights came to North Carolina from Virginia and were of Scotch-Irish descent. He intended to study law and entered Randolph-Macon College, but his eye-sight failed during his junior year, so he returned home and became a farmer. He was a lieutenant in a company of the Third North Carolina

*Hon. John S. Cunningham, Cunningham's Store.

†William M. Darden, Speight's Bridge.

Regiment, but resigned to go to the Convention. Later he became Captain of Company E, Sixty-first North Carolina Regiment. He was taken prisoner at Fort Harrison and confined in Fortress Monroe for nine months, which resulted in completely wrecking his health. After the war he was a Democrat and represented his native county in the State Legislature in 1882. Mr. Darden was a Methodist and a firm believer in its doctrines. In 1888 he was elected Business Agent of the State Farmers' Alliance and died at Gatesville July 3, 1890, while in the discharge of duties connected with that office.

DAVIDSON, ALLEN TURNER*.

A. T. Davidson, of Cherokee, was born in Haywood county March 9, 1819. He is of Scotch-Irish extraction and both of his grandfathers. Major William Davidson and Captain David Vance, fought in the Revolutionary War on the patriot side. Mr. Davidson received his education at the "old field" schools and at the Waynesville Academy. He is a lawyer by profession and a member of the Methodist Episcopal Church, South. In the early part of his career he was Clerk and Master in Equity for Haywood county. After his admission to the bar he was for many years Solicitor for Cherokee county. He opposed secession until Lincoln called on the South for troops. He was a member of the Council of State in 1864 and 1865. The Convention elected him to the Confederate Congress from the Eighth District, giving him fifty-five votes to forty-seven for N. W. Woodfin. He has been prominent in public affairs since the war but has never occupied any public office. In 1884 Mr. Davidson retired from business and since then has been living with his son, Hon. T. F. Davidson, in Asheville.

DICK, ROBERT PAINE†.

R. P. Dick, of Guilford, son of Judge John M. and Parthenia

*Hon. T. F. Davidson, Asheville.

†*Prominent Living North Carolinians*, Sketch from President Dred Peacock, Greensboro.

P. (Williamson) Dick, was born in Greensboro October 5, 1822. He received his preparatory training at Caldwell Institute; entered the University of North Carolina and graduated with honor in 1843. He received his license to practice law in 1845 and located at Wentworth, Rockingham county, but four years later removed to Greensboro. Mr. Dick was a member of the National Democratic Convention at Baltimore in 1852. In 1853 President Pierce appointed him District Attorney for North Carolina, which position he held until April 1861 when he resigned. In 1860 he was a member of the National Democratic Conventions at Charleston and Baltimore, and at the latter was the only North Carolinian to remain and act in the body. He was an elector for the State-at-large on the Douglas and Johnson ticket, and was a member of the National Executive Committee of the wing of the Democratic party to which he belonged. In the Convention he was a prominent conservative. He was a member of the Council of State during a part of the administration of Governor Vance; State Senator 1864–'65 and a delegate to the Convention of 1865. In May, 1865, he, together with a number of other citizens of the State, went to Washington to confer with President Johnson in regard to the best way to restore the State to its normal condition in the Union. In May, 1865, the President appointed him United States District Judge for North Carolina, which he resigned in two months, being unable to take the "Test Oath." He was a prominent member of the Convention to re-organize the Republican party in the State. In 1868 he was elected Associate Justice of the State Supreme Court and held this office until 1872, when he resigned to accept the United States District Judgeship of Western North Carolina. In 1878 he and Judge John H. Dillard established a law school in Greensboro which has prepared a number of successful lawyers. Judge Dick was a well-read man, a florid and eloquent writer with a great fondness for literature and history. He was for more than thirty years a Ruling Elder in the Presbyterlan Church. He died September 13, 1898.

DICKSON, JAMES.*

James Dickson, of Duplin, was born in Duplin county near Magnolia, June 7th, 1802. His father was James Dickson and his mother was Susana Powell, of Craven county, but married James Carr, and was a widow when married to James Dickson. He was of Scotch-Irish extraction. He was a farmer; was, for for twelve years, Clerk of the Court of Duplin county; and was State Senator in 1860–'62. He was a member of the Presbyterian Church and an original secessionist. The date of his death was February 16, 1882.

DILLARD, RICHARD.†

Dr. R. Dillard, of Chowan, was born in Sussex county, Virginia, December 1, 1822. His father, Major James Dillard, was a native and resident of that county. He was of Scotch-Irish lineage, possessing many of the characteristics of the race. He was graduated in the collegiate course at the University of Virginia and in medicine at the University of Pennsylvania. Locating in Chowan county, N. C., he soon built up a considerable practice. In 1856 his fellow citizens elected him to the State Senate and re-elected him at the subsequent election. After mature deliberation and study Dr. Dillard decided that the doctrine of States' Rights was both just and constitutional. He was therefore a typical Southern secessionist. Dr. Dillard was blessed with more than a competence of this world's wealth and gave one of his large farms to the support of the Confederate soldiers. Governor Clark appointed him one of his Aides-de-Camp with the rank of Colonel, his duty being to superintend the defence of the Albemarle section. He was afterwards Acting Brigade Surgeon to General Roger A. Pryor, and was in active service in the memorable "Seven Days' Fight" around Richmond. When peace was restored he returned home only to find it made uninhabitable by shot and shell and his fortune gone, but he went to work and was

*Hon. Thos. S. Kenan, Raleigh.

†*North Carolina Medical Journal, 1888;* (Son) Dr. Richard Dillard, Edenton.

soon in as comfortable circumstances as ever. Governor Scales appointed him a director of the Western Insane Asylum in 1884 and later of the Asylum at Raleigh, which position he held at the time of his death, in 1887.

DONNELL, RICHARD SPAIGHT.*

R. S. Donnell, of Beaufort, only son of Judge John R. Donnell and Margaret, daughter of Governor Richard Dobbs Spaight, was born in Craven county on September 20, 1820. He was of Scotch-Irish descent. He received part of his education at Yale College, but afterwards entered the University of North Carolina and was graduated in 1839, He studied law and soon rose to considerable eminence in his profession. He was a member of Congress from 1847–'49; member of the upper house of the General Assembly in 1858, and of the House of Commons in 1860, '62 and '64, being Speaker of this body, during his last session. He was also a delegate to the Convention of 1865. In 1863 he wrote a letter on the "History of Secession" which gave him some reputation as a statesman. He never married and died on June 3, 1867.

The Donnells were from Ireland, coming from near Londonderry. The Spaights were also an Irish family. Richard S. Donnell was a strong Whig in which he differed from his father who was a staunch Democrat. His influence was always used in favor of Union and a peaceful settlement of sectional and other questions at issue.†

DOUTHITT, BENTON CLEMMONS.‡

B. C. Douthitt of Davidson born, two miles from Clemmonsville on March 24, 1811, was the son of Joseph and Lina (Clemmons) Douthitt. His paternal ancestors were Irish and maternal English. He was left an orphan at an early age. A few years before attaining his majority he received some capital with which he entered the mercantile business. He

*Col. John D. Whitford, New Berne, *U. N. C. 1789–1889.*

†Biographical Record of Class of 1838 (Yale College) of which Class, Mr. Donnell was the youngest member.

‡J. W. McCrary, and others, Lexington.

was a member of the House of Commons in 1844 and of the State Senate in 1858. Mr. Douthitt was elected to the Convention as a unionist, but became a secessionist when Lincoln made his demand on the South for troops. His property was involved in the ruin attendant upon the war. Hoping to mend his broken fortunes he emigrated to Missouri and died at Kingsville in that state, February 9, 1873.

DURHAM, MICAJAH.*

Micajah Durham of Rutherford was born in Cleveland county near Shelby on November 11, 1804. His father, Chas. Durham, was a native of Durham, England, and his mother, Patience Davis of Cleveland, was a first cousin of President Jefferson Davis. He was a merchant and farmer. He was a life-long, hot-headed democrat and a strong Baptist—a leader of the denomination in his day. He was an ardent secessionist, canvassing his county in its favor. He was killed in the battle of the Wilderness on May 5, 1864.

EDWARDS, WELDON NATHANIEL.†

The President of the Convention was W. N. Edwards of Warren, who was a native of Northampton county, born about two miles from Gaston in 1788. After obtaining his license to practise law he settled in Warren county. He first appeared in public life as the successor of Governor Miller in the House of Commons in 1814. He was elected to the same office the next year. Hon. Nathaniel Macon resigning as a member of the Fifteenth Congress, Mr. Edwards succeeded and served until the Eighteenth Congress, after which he declined to become a candidate again. He was elected to the State Senate in 1835 and held this position for eleven successive years; and again in 1850 and '52 when he was chosen its Speaker. He was a member of the Convention of 1835, having Nathaniel Macon as his colleague. His service in the Convention of '61 marked the close of his political career,

*Miss Kate Durham, Asheville.

†Wheeler's Reminiscences; Moore's History.

Mr. Edwards was a strong secessionist and believed fully in the ultimate triumph of the Confederacy. The result of the war and its attendant misfortunes preyed heavily on his mind and seemed to have caused him to lose interest in life, which facts no doubt hastened his death which occurred December 18, 1873.

ELLER, PETER.*

Peter Eller, of Wilkes, son of John and Susannah (Kearns) Eller, was born on New River, Wilkes county, March 17, 1805. Both of his parents were of German extraction and were among the earliest settlers in their section. His occupation was farming. He married the daughter of Colonel Robert, brother of Colonel "Ben Cleveland." Mr. Eller was a Baptist and for many years, clerk of the Briar Creek Association. He was Colonel of the Militia in 1850–'52, and a member of the House of Commons, 1856–'58. Colonel Eller opposed secession until he thought opposition useless. He died November 7, 1872.

ELLISON, WILLIAM JOHN.†

W. J. Ellison, of Beaufort, was a native of that county, born in 1813. His parents were William Brown and Louis (Barrow) Ellison. His ancestors on both sides were English; His parental grandfather came from the Isle of Man and was High Sheriff of Beaufort county under George III, and also the first Sheriff after the Declaration of Independence. Mr. Ellison was a Whig before the war. He was a supporter of Bell and Everett, but afterwards a secessionist. He died March 6, 1862, and Richard S. Donnell was elected to fill the vacancy made by his death.

FEREBEE, DENNIS DAUGE.‡

Dennis Daugé, (generally erroneously spelled, as it is com-

*C. J. Cowles, Wilkesboro, A. H. Eller, Winston.
†Miss Annie Ellison, Fayetteville.
‡C. M. Ferebee, Camden C. H.

monly pronounced, Dozier), Ferebee, of Camden, was born on the family estate near Indian Town in Currituck county, November 9, 1815. He was the youngest child of Samuel and Peggy (Daugé) Ferebee. Samuel Ferebee was a member of the body which ratified the United States Constitution in Fayetteville in 1789. The Ferebees were a prominent family in Eastern North Carolina and were commonly supposed to be descended from the Huguenots, but are more probably of English origin, Ferebee being a corruption of de Fereby and Fereby, both common in old English chronicles. The Daugés were prominent Revolutionary patriots. He received his education at Bingham School and at the State University at Chapel Hill, where he was graduated in 1839. He read law under Judge Gaston; settled at Indian Town, but later removed to South Mills, Camden county. He represented Camden county in the House of Commons in 1846, '48, '56, '58 and 1860, and in the Conventions of 1861 and 1865. He was Colonel of the Fourth Regiment North Carolina Cavalry. President Edwards appointed him to visit Richmond in order to confer with the Confederate goverment in regard to the payment of taxes by the State. The University conferred upon him the degree of A.M. in 1847. In addition to his law practice, Colonel Ferebee was a wealthy and a successful planter. He was opposed to secession. In religion he was an Episcopalian. He died April 29, 1894.

Foster, Alfred Gaither.*

The junior representative from Randolph was the son of Robert and Sarah (Gaither) Foster, born in Iredell county on January 5, 1825. He was of Scotch-Irish ancestry. His parents removed to Lexington when he was a small boy. He was graduated from the University of North Carolina at the age of eighteen, then read law under Chief Justice Pearson; practiced for a while at Lexington, but ceased after a few years and removed to Randolph county to take charge of a large farm belonging to his father. He represented Randolph in the House of Commons in 1856. His death took place in 1865.

*Mrs. J. M. Gwyn, Spring Dale.

Foster, Joel Edmund.*

The delegate from Alleghany and Ashe counties was born in Wilkes county on February 20, 1829. His parents were John and Annie (Vannoy) Foster both of whom were of English descent. He was a member of the Legislature in 1879 and of the extra session in 1880. He favored the withdrawal of North Carolina from the Union after the Gulf States had seceded. He is a member of the Presbyterian Church. When quite a young man, Mr. Foster embarked in the mercantile business at Jefferson and is still engaged in it.

Foy, William.

William Foy, of Jones, son of Thomas and Susannah (O'Connor) Foy, was born at the residence of his maternal grandfather in Trenton, Jones county, on August 17, 1822. William Foy's maternal grandfather, John Foy, emigrated from France during the latter part of the sixteenth century; lived, died and was buried six miles from New Berne on the Trent road. William Foy was a student at Wake Forest College, but was not graduated there. He was an extensive farmer. He represented his native county in the House of Commons in 1846. He was also a magistrate for many years. He was an earnest Whig and a strong supporter of Henry Clay and was a delegate to the convention which nominated him for the Presidency. He died in June 1895.

Fuller, John Powell.†

John Powell Fuller, of Robeson, was born in Lumberton in 1834. He was of English extraction. He was graduated from Randolph-Macon College in 1856; received his license to practice law two years later and the same year married a Miss Smith, the daughter of the President of Randolph-Macon. During a part of the war he was connected with the Treasury Department of the Confederate States. After the war he re-

*Self, Jefferson, N. C.

†E. L. McCormick, Maxton, N. C.

sumed the practice of law in Lumberton. In 1866 he removed to St. Louis, Missouri. He died in New Orleans on February 10, 1868, the tenth anniversary of his marriage.

GEE, CHARLES JAMES.*

Dr. Gee, of Halifax, son of Sterling H. and Mary (Williams) Gee, was born on November 4, 1831, in that county. His paternal ancestors were Scotch, coming originally from the Midland counties of England, and his maternal, Welsh-Scotch. He studied medicine at the University of Virginia for nine months; then entered Jefferson Medical College at Philadelphia, receiving his degree in 1852 and settled in Weldon to practice his profession. Dr. Gee was elected to the Convention as an original Calhoun Democrat. Dr. L. W. Batchelor contested his seat and, being satisfied as to the validity of his opponent's claims, he resigned after voting for secession. Dr. Gee served as Surgeon of the First Regiment North Carolina troops under Colonel M. S. Stokes, but resigned in 1862 to accept an appointment on the staff of General Ramseur, which he held until Appomattox. He was also a planter and was the originator and first President of the Roanoke and Tar River Agricultural Society. He was physician for the State Farms in Halifax and Northampton counties for many years. He died March 25, 1892, as he had lived, a consistent member of the Episcopal Church.

GILMER, JOHN ADAMS.†

J. A. Gilmer, of Guilford, born in that county November, 1805, was the oldest of twelve children born to Captain Robert and Anne (Forbis) Gilmer. His ancestors were Scotch-Irish. After attending Rev. Dr. E. W. Caruther's school, he taught, for three years, in the Mt. Vernon Grammar School in Laurens county, S. C. In December, 1829, he returned home and read law under Judge Murphey, and in 1833 received his license. In 1846 he was elected to the General Assem-

*Miss Pattie W. Gee, New York City.

†Moore's History; Wheeler's Reminiscences.

bly as Senator from Guilford and continued to hold this position until 1854. In 1854 his party, the Whig, nominated him for Governor, but he was defeated by Bragg. He was elected to the Thirty-fifth Congress in 1857 and was re-elected to the Thirty-sixth. He was offered a seat in Lincoln's cabinet as Secretary of the Treasury, but declined. He was opposed to secession, but went with his State when it was decided upon. He died May 14, 1868.

GORRELL, RALPH.*

Another delegate from Guilford was Ralph Gorrell, born May 12, 1803, who was a native of that county. He was of Scotch-Irish descent, his paternal grandfather emigrating from Ireland to America. His parents were David and Euphemia(Stewart)Gorrell. He was graduated from the University of North Carolina in the class of 1825. He was a member of the House of Commons in 1834, 1835 and 1854 and of theState Senate in 1856 and 1858. Mr. Gorrell was, at first, opposed to secession, but afterwards changed his views. He was a lawyer by profession and a member of the Presbyterian Church in which he was a Ruling Elder for many years. He died August 4, 1875.

GRAHAM, WILLIAM ALEXANDER.†

The unsuccessful nominee for the Presidency of the Convention was William Alexander Graham, of Orange, a man of State and national reputation, who was strongly opposed to secession. His paternal ancestors were Scotch-Irish from County Down in Ireland. William A., son of General Joseph and Isabella (Davidson) Graham, was born at Vesuvius Furnace in Lincoln county, September 5, 1805. He was graduated from the State University in 1824, sharing the highest honors with Matthias E. Manly. He read law under Judge Ruffin and was admitted to the bar in 1826. He located at Hillsboro and soon made a reputation, especially as an equity

* Miss Charlotte Gorrell, Greensboro.

† J. W. Graham, Hillsboro, *U. N. C. 1789-1889.*

lawyer. He represented the borough of Hillsboro in the House of Commons in 1833 and from then until the abolition of the borough system in 1835, after which he served two terms from the county in the same capacity. He was State Senator in 1854 and again in 1862; United States Senator 1841–'44, and Governor of the State for two terms beginning with 1845. President Fillmore appointed him Secretary of the Navy which post he resigned upon being nominated for Vice-President on the Whig ticket with General Winfield Scott. In December, 1863, Governor Graham was elected to the Confederate States Senate. Soon after the close of the war the legislature elected him to the United States Senate, but he was not allowed to take his seat. He was elected to the Legislature, but, being disfranchised, he did not serve. He also held other offices as follows: Trustee of the University thirty-four years; Commissioner to settle the boundary dispute between Virginia and Maryland; Trustee of the Peabody Fund; President of the Centennial Celebration of the Mecklenburg Declaration of Independence at Charlotte in 1875. In 1849 the University conferred upon him the degree of LL.D. While attending a meeting of the Virginia-Maryland boundary commission at Saratoga Springs, New York, he was attacked by disease of the heart and expired August 11, 1875.

GRAVES, JOHN AZARIAH.*

The delegate from Caswell, born four miles west of Yanceyville in 1822, was the son of Captain William and Annie (Lea) Graves. His progenitors were English. He read law under Calvin Graves and A. L. Yancey. He was a member of the upper house of the Legislature in 1854. He raised the first company of volunteers in his county and was elected its Captain. It was attached to the First Regiment North Carolina Volunteers, and was ordered into Northern Virginia. He therefore resigned from the Convention on May 23, 1861. Captain Graves was in active service at Bethel, Manassas and Chancellorsville together with all the battles around Rich-

* Julius Johnston, Yanceyville.

mond. He was taken prisoner at Gettysburg and carried to Johnson's Island where he died in February, 1864.

GREEN, GEORGE.*

The senior member from Craven was born in that county July 17, 1823. His parents, John and Charlotte (Harrison) Green, were of English descent. He received his license to practice law in 1846, and soon afterward became attorney for Jones county and later for Craven. He represented his native county in the House of Commons in 1854, and was a member of the secession committee of that body. In 1867 the Legislature appointed him Judge of the Craven County Criminal Court, which office he held until the passage of the "Reconstruction Acts." In 1889 he was appointed Clerk of the United States District Court for Eastern North Carolina. He was a Director and one of the organizers of the Atlantic and North Carolina Railroad Company, and for ten years its attorney. He was also a Director and Attorney of a leading Bank at Newbern. Judge Green was a communicant of the Episcopal Church. His death occurred December 8, 1892.

GREENLEE, JAMES HARVEY.†

James H. Greenlee, of McDowell, was born in the part of Burke which is now McDowell, in 1820. He is of English extraction. He has been twice married, first to his cousin, Hattie Greenlee, and later to Miss Morrison, a near relative of Mrs. Stonewall Jackson. He has never held any office except that of delegate to the Convention and Justice of the Peace. Mr. Greenlee was a red-hot secessionist. He is a large farmer and stock raiser. He is still living and is a member of the Presbyterian Church.

GRIMES, BRYAN.‡

The subject of this sketch was one of the delegates from Pitt,

*(Son), George Green, Newbern.

†M. A. Newland; Rev. J. M. Greenlee, Marion.

‡Memorial Address by H. A. London; W. Demsie Grimes, Washington.

the youngest child of Bryan and Nancy (Grist) Grimes, born at Grimesland, Pitt county, (about eight miles from Washington), on November 2, 1828. He received his preparation for college at Bingham School, entered the University of North Carolina and was graduated in 1848. He was elected to the Convention without his knowledge and without any opposition while he was absent in the Gulf States. Resigning his seat after the first session, he immediately went into active service becoming Major of the Fourth North Carolina Regiment and in May, 1862, its Lieutenant-Colonel, and commanded the regiment at the battle of Williamsburg. On June 19, 1862, Colonel Anderson was promoted to Brigadier-General and Lieutenant-Colonel Grimes was appointed to the command of the regiment. While the army was encamped in the marshes around Richmond, Colonel Grimes was stricken down with typhoid fever, which incapacitated him from service for some time. As soon as he had sufficiently regained his strength to enter active service again he was appointed Brigadier-General of Daniel's Brigade. In spite of his illness he was always at his post, and in recommending him for promotion General Anderson said: "Although small in numbers, Colonel Grimes and his regiment are the keystone of my Brigade." General Grimes took part in the battles of Williamsburg and Seven Pines, in all other battles previous to the crossing of the Potomac, in the battles of the Maryland campaign, and in the last charge at Appomattox. He was always in the thickest of the fight and his escapes from death were often almost miraculous, no less than seven horses being killed under him during his service. After the war he lived quietly on his farm in Pitt county until assassinated August 14, 1880, while returning home from Washington.

HAMLIN, THOMAS VESTAL.*

Thomas V. Hamlin, of Surry, son of William Hamlin, was a native of the above county. He was a blacksmith and was considered the best in the county. He accumulated considera-

* W. L. Reece, Dobson; J. C. Buxton, Winston.

ble property by working at this trade. He was Clerk of the Surry County Superior Court from 1852 to 1860, and after the war, was a Justice of the Peace for a number of years. He was a strong secessionist. His death took place in 1887.

HARGROVE, TAZEWELL LEE.*

Tazewell Lee Hargrove, of Granville, son of Israel West and Nancy (Hargrove) Hargrove was born at Townsville, N. C., in 1830. He was of English ancestry. He was graduated from Randolph-Macon College in 1848, then studied law, and received license to practice in 1850. He was Lieutenant-Colonel of the Fourth North Carolina Regiment. He defended the South Anna bridge with sixty-two men against one thousand and five-hundred, holding it for four hours, at the end of which time he was captured and taken to Johnson's Island, where he was confined until the close of the war. Mr. Hargrove was a Democrat before the war and a Republican afterwards. He was a member of the House of Representatives from Granville in 1870, and Attorney-General 1873–'77. He was a member of the committees to select the site for and to build the Oxford Orphan Asylum. He died December 16, 1889.

HEADEN, JAMES HUNTER.†

J. H. Headen, of Chatham, son of John and Margaret Headen, was born in the above county in 1820. He entered the University of North Carolina in 1833 and received his degree four years later. He studied law under Chief Justice Richmond M. Pearson, practiced first at his old home near Hickory Mountain and then moved to Pittsboro. He was a member of the lower house of the General Assembly in 1854 and again in 1864. He was twice nominated for Congress, and once for the Supreme Bench, but was defeated. Before the war he was a Whig and opposed to secession, but submitted when he thought it inevitable. Mr. Headen was of Irish de-

* J. Crawford Biggs, Durham.
† A. G. Headen, Pittsboro.

scent and a member of the Methodist Episcopal Church, South. He died January 25, 1894.

HEARNE, EBEN.*

The delegate from Stanly was born in the part of Montgomery county which has since become Stanly, where the town of Albemarle is now situated on December 27, 1805. His parents, Nehemiah and Nancy(Almond) Hearne, were of English extraction, and came to this State from Baltimore, Maryland. He was elected Sheriff of the county before he was twenty-one, and held the office for nineteen years. He was also Clerk and Master in Equity for a number of years. Mr. Hearne was a merchant and farmer. He was an old line Whig but a strong secessionist after Lincoln's proclamation. His death occurred May 6, 1877.

HENKEL, POLYCARP C.

Rev. P. C. Henkel, of Catawba, was born in Lincoln county, on August 20, 1830. His father was the Rev. David Henkel of German extraction. He entered the gospel ministry of the evangelical Lutheran Church early in life. He did not become a secessionist until Lincoln's call for troops to subdue the South. He went to the Convention against his will; soon resigned and came home. The College of Catawba conferred the degree of Doctor of Divinity upon him. Dr. Henkel died with his harness on, September 26, 1889, and his remains were laid to rest in God's Acre at St. Peter's Church, Catawba county, where he was pastor at the time of his death.

HICKS, WILLIAM.†

Rev. William Hicks, of Haywood, was a native of Sullivan county, Tennessee, whither his ancestors had removed prior to the present century from Maryland. The father of the subject of this sketch settled on Holston River, not far from

* Samuel J. Pemberton, Albemarle.

† Rev. Wm. W. Hicks, Pearrisburg, Va.

the present village of Bluff City where William was born on November 11, 1811. His mother's maiden name was Willard. He was brought up to toil, which developed a man of stalwart proportions and strength. His education was acquired solely by his own efforts; he was a life-long student and a man of unusual education. At the time of his election to the Convention he was Principal of Richland Institute in conjunction with Rev. J. R. Long. He firmly believed in the right of secession, claiming that the Union was a voluntary compact which could be dissolved at the pleasure of the States.

Mr. Hicks' chief work was as a minister in Western North Carolina, Eastern Tennesee, South Western Virginia, and in a portion of West Virginia. As a Presiding Elder he travelled almost every circuit of the Holston Conference. He was admitted to Holston Conference in 1833, and preached twenty-three years, serving twenty-two different charges. In addition to his pastoral duties, he at various times edited newspapers, and, while he was Presiding Elder of the Asheville District, established and edited a weekly newspaper called *The Herald of Truth*, published at Hendersonville. He died near Bluff City, Tennessee, in 1882.

HILL, JOHN.*

John Hill, of Stokes, was the son of Robert and Martha (Halbert) Hill, born in this county April 9, 1791. Both of his parents were of English ancestry. He attended the University of his native State in 1816. He was the acknowledged leader of the Democratic party in his section. He was a member of the House of Commons from 1819–'22; of the State Senate in 1823, '25, 26, '30 and '31, and a member of Congress from 1839–'41. He was violently opposed to secession, looking upon it as the greatest calamity which could befall the South. He often said that he would rather die than think of secession and separation, and if North Carolina should leave the Union he did not care to live another day. He voted for the

* Catalogue, U. N. C.

Ordinance of Secession on May 20 and died May 25, 1861, in Raleigh of apoplexy.

HOLDEN, WILLIAM WOODS.*

The colleague of Messrs. Battle and Badger, of Wake, was William Woods Holden, a native of Orange county, born on November 24, 1818. His education was obtained at the "old field schools." At sixteen years of age he entered the employment of Dennis Heart's printing establishment at Hillsboro and after two years' stay moved to Raleigh. He read law and received admission to the bar in 1841. In 1843 he purchased *The Raleigh Standard*, which he conducted for twenty-five years. In 1846 he was elected to the House of Commons, and, during the administrations of Governors Bragg and Ellis, was a member of the Literary Board. He also served at different times as trustee of various institutions. On May 29, 1865, President Johnson appointed him Provisional Governor of North Carolina, and on November 7, 1865, Mr. Holden and Jonathan Worth were candidates for the Governorship, and the latter was elected. In April, 1868, he was elected Governor, defeating Thomas S. Ashe by a majority of eighteen thousand six hundred and forty-one votes. On December 20, 1870, the House of Representatives presented to the Senate eight articles of impeachment against Governor Holden "for high crimes and misdemeanors." On December 23, 1870, Chief Justice Pearson assumed the President's chair in the Senate, and that body as a high court of impeachment began the trial. The counsel moved for a postponement, which was granted until January 23, 1871. The attorneys for the prosecution were Messrs. William A. Graham, Thomas Bragg and A. S. Merrimon. The opposing counsel were Messrs. R. C. Badger, J. M. McCorkle, W. N. H. Smith, Nathaniel Boyden and Edward Conigland. On March 22, 1871, the Senate by the vote of two-thirds of its members pronounced him guilty of six out of eight of the charges brought against him. After his conviction he remov-

*Dr. K. P. Battle; Wheeler's Reminiscenses; Moore's History of N. C.

ed to Washington, where he edited *The National Republican* for a time, but returned to Raleigh to become postmaster during the administration of Grant. He died in Raleigh on March 1, 1892.

HOLMES, JOHN LYON.*

J. L. Holmes, of New Hanover, was born in Wilmington, November 4, 1826. His great-grandfather was Governor Gabriel Holmes and his father, Gabriel Holmes, a wealthy rice planter. His mother was Elizabeth Marson. He was graduated from the University in 1846. He read law under James C. Dobbin, of Fayetteville, and located in his native town. He was elected County Solicitor and declined re-election. He was elected to the Convention vice R. H. Cowan resigned. He was an original secessionist and was considered an excellent criminal lawyer. His health becoming poor, he decided upon the advice of his physician to remove to Jacksonville, Fla., where he began to build up a large practice. During the summer he went to Saluda Gap for his health and while out driving there, his horse became frightened and ran away. He jumped from the vehicle and was instantly killed, September 20, 1886. Mr. Holmes was Episcopalian in religion.

HOUSTON, HUGH MCCOMBS.†

H. M. Houston, of Union, son of John and Elizabeth (Potts) Houston, was born in Mecklenburg, (now Union county), April 13. 1817. At twenty he was a clerk in the store of H. and K. Stewart at a place known as Coburn's Store, then on the great throroughfare between Charlotte and Cheraw, S. C. After two years his employers sent him to manage a store at Davis' Mine as a partner with themselves. In 1846 he removed to Monroe. He has held the following public offices: Clerk of the Superior Court of Union county soon after its formation; County Treasurer a number of years, and a Director of the Wilmington, Charlotte and Rutherfordton Rail-

* Hon. O. P. Meares, Wilmington.

† Dowd's *Prominent Living North Carolinians.*

road Company. He was President of the Peoples' Bank of Monroe from 1873 to 1899 and until 1899 was a Director of the Charlotte National Bank* for a number of years. Mr. Houston was a strong Whig previous to the war and was also a strong Unionist. He is a member of the Methodist Episcopal Church South. He is now living in Monroe and has been retired from active business for a number of years.

HOUSTON, WILLIAM JAMES.†

W. J. Houston, of Duplin, was born in that county in 1828. His parents were Samuel and Elizabeth Houston, both of whom were of English descent. He attended Wake Forest College for a short time; then went to Columbian University, Washington, D. C., where he was graduated. He was a lawyer by profession; a member of the State Senate in 1854–'56 and '58 and a strong secessionist. He resigned from the Convention to go with the company, of which he was captain, in the First Regiment North Carolina Cavalry to Northern Virginia where he was killed in a skirmish in Loudon county, January 21, 1865.

HOWARD, GEORGE.‡

On September 22, 1829, at Tarboro, George Howard, of Edgecombe, was born. His father, of the same name, was a native of Baltimore, Maryland, and his mother of Caroline county, Virginia. He read law under Judge William H. Battle and Hon. Samuel F. Phillips and received his Superior Court license in 1852. The same year he edited the *Tarboro Southerner* and was Solicitor from Greene county. He served as Reading Clerk of the House of Commons 1854–'59 and in 1855 he was the first County Solicitor for Wilson county. He was appointed Judge of the Superior Court in 1859 and the Legislature of 1860 elected him to this office for life. Judge Howard was a member of the Convention of 1865 and of the

* *Monroe Enquirer*, 1899.

† Col. Thos. S. Kenan, Raleigh, N. C.

‡ Dowd's *Prominent Living North Carolinians;* Moore's History.

first Legislature after the war. He is a lawyer and a successful business man and is still living in Tarboro. He is a communicant of the Presbyterian Church.

JOHNSTON, WILLIAM.*

The subject of this sketch was William Johnston, of Mecklenburg, a native of Lincoln, in the part which is now Gaston, born in 1817. His paternal ancestors had settled on the banks of the Catawba about fifteen miles from Charlotte many years before the Revolutionary War and there had followed the vocation of farming. His father was Robert Johnston, Sr., of Scottish descent and his mother, Mary Reid, daughter of Captain John Reid, who was likewise of Scottish extraction. He was graduated from the University of his native State in 1840 and immediately thereafter studied law under Judge Pearson and settled at Charlotte, where he soon attained success in his profession. He was elected President of the Charlotte and Statesville Plank Road and built twenty five miles of it to Mount Mourne, Iredell county, not expending a dollar unnecessarily in its construction. In 1856, he assumed the Presidency of the Charlotte and South Carolina Rail Road Company, which was then in a very poor condition both as to finances and equipment, and in a short time he placed both on a sound basis. The construction of the Charlotte, Columbia and Augusta Rail Road was due in a very large measure to his efforts, and it is doubtful whether any other road has ever been constructed so cheaply and under such adverse circumstances. In 1859, he began the Atlantic, Tennessee and Ohio Rail Road, which was completed to Statesville after the war. In 1866, he rebuilt sixty miles of the Charlotte and South Carolina Railway which Sherman's army had destroyed. When this was accomplished, he had built and rebuilt more miles of railway than any other man in the South without State aid. He resigned his seat in the Convention to accept the position of Commissary General of the State, which had been tendered to him by Governor Ellis.

*Dowd's *Prominent Living North Carolinians.*

He was a Whig and a Union man, but finally favored secession, believing that it could be peacefully obtained. In 1862, Col. Johnston was nominated for Governor of the State, but was defeated by Hon. Z. B. Vance. He served, for a number of years, as Mayor of Charlotte, during which time he did much for the improvement of the city. He was, for many years, a Trustee of the University. He died on May 20, 1896.*

JOHNSTON, SIDNEY XENOPHON.†

The delegate from Gaston was S. X. Johnston, brother of William Johnston, of Mecklenburg, who was born in Lincoln county, January 1, 1811. He was a grandson of Colonel James Johnston of the Revolution. He was graduated from the University of North Carolina in 1829 and in medicine from Jefferson Medical College of Philadelphia. He was the first President of the Medical Association of Mecklenburg county; a Ruling Elder in the Presbyterian Church and for many years, also Clerk of the Session. Dr. Johnston was an extensive practitioner, and also had large farming interests. His death occurred July 21, 1885.

JONES, EDMUND WALTER.‡

E. W. Jones, of Caldwell, was born at Palmyra, the family homestead in Wilkes county, (now Caldwell), September 1, 1811. His father, General Edmund Jones, was of Welsh ancestry, and represented his county in the legislature eighteen years. His mother, Anne, daughter of William Lenoir, was descended from the Huguenots. His paternal ancestors first settled in Maryland on land granted them by Charles II. near Annapolis, Maryland. Thence in 1771 Edmund Jones came to North Carolina, and settled in the "Happy Valley" of the Yadkin in Wilkes county. His son received his education at Bingham School and at the University of North Carolina, where he was graduated in 1833. Mr. Jones was a Whig

*Memorial Hall Inscriptions, U. N. C.

†Mrs. Woodcock, Charlotte; Catalogue, Dialectic Society.

‡Mrs. Edmund Jones, Lenoir.

and thought that secession should be tried only as a last resort. In religion he was an Episcopalian. He was a member of the State Senate in 1842; of the Council of State in 1866 and of the State Senate in 1868, but did not go to take his seat. He was also delegate to the State Centennial Convention. He died August 6, 1876.

JONES, HAMILTON CHAMBERLAIN.*

H. C. Jones, of Rowan, was born in Greenville county in the State of Virginia on August 23, 1798. His father, William Jones, removed to Stokes county in North Carolina during the infancy of his son, and died in 1800. His widow afterwards married Colonel James Martin, who had distinguished himself in the Revolutionary War, and was a man of prominence in his section. The subject of our sketch graduated at the University of North Carolina in 1818, in the class of President Polk. After his graduation he was Tutor of mathematics for a year and then went to New Berne where he taught school, and also read law under Judge Gaston. After being licensed to practice he removed to Salisbury where he founded the *Carolina Watchman* in 1828 which was Anti-Jackson and Whig in politics and enjoyed an extensive circulation. He entered public life as a member of the House of Commons in 1827 and was returned in 1828, 1838, and in 1840, during which year he was elected State Solicitor for his judicial district and was re-elected in 1844. In 1840, he sold the *Watchman* to Bruner and Pendleton. After the death of Perrin Busbee, he was, for a number of years, Reporter of the decisions of the Supreme Court. He was the reputed author of "Cousin Sally Dillard" and other stories, which, in his younger days, he often recited with inimitable humor at social gatherings. He died in Morganton at the residence of his son-in-law, Dr. Samuel Tate, on September 10, 1868.

JONES, JOHN BONNEY.†

J. B. Jones, of Currituck, succeeded Henry M. Shaw resign-

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†Ezekiel Gilman, Coinjock; P. M. Morgan, Shawboro; H. B. Ansell, Knott's Island.

ed. He was a native of Currituck, born on Knott's Island, July 25, 1796. His parents were Malachi and Lydia (White) Jones. His extraction was Welsh. He was a farmer and a politician. He was a member of the House of Commons in 1831, '32, '33, '34, '40, '46, and of the State Senate in 1854 and '56. He was a Justice of the Peace and for many years Chairman of the County Court. He was a Custom House officer for a number of years and a Colonel of the State Militia. He was a member of the Methodist Church and an out and out secessionist. He died August 25, 1865.

JOYCE, ALEXANDER HAMILTON.*

A. H. Joyce, of Stokes, was the successor of John Hill, who died during the first session of the Convention. He was born in Stokes county on February 23, 1827. His parents were Thomas and Esther Joyce, both of Irish extraction. He was educated at Union Institute in Randolph county, and at Jacksonville Academy in Floyd county, Virginia. He is a lawyer by profession. He was Solicitor for Stokes county for eight years beginning with 1852. He took his seat in the Convention on June 11, 1861., He was also a delegate to the Convention of 1865. He was an elector on the Blaine ticket in the Fifth Congressional District in 1884 and in the same district in 1896 on the McKinley and Hobart ticket. He never endorsed the policy of secession as advocated by the red-hot secessionists, but believed that any state had a legal right to secede. He is a member of the Presbyterian Church and lives at Danbury.

KELLY, NEILL.†

Neill Kelly succeeded Thomas D. McDowell resigned. He was the son of James and Mary (Currie) Kelly. He was sprung from good Scotch ancestry. He was a teacher in early life and afterwards a farmer. Mr. Kelly was a Justice of the Peace a greater part of his life; Chairman of the County Court for a number of years; Colonel of the Bladen

*Self, Danbury.

†J. D. Clarke, Clarkton.

County militia, and for a number of years previous to his death an Elder in Brown Marsh Presbyterian Church. He was opposed to secession until Lincoln's call for troops. He fell a victim to consumption, in 1864.

KITTRELL, BENJAMIN ANDERSON.*

B. A. Kittrell, of Davidson, son of Benjamin and Eliza Kittrell, was born in Granville county, June 17, 1831. He attended the University of North Carolina during the sessions of 1848–'50; then read law under Chief Justice Pearson and in 1853 located in Lexington. In politics he was a Whig. Mr. Kittrell was elected to the Convention as an opponent of secession, though he believed in the right of revolution. He died June 6, 1865.

LANDER, WILLIAM.†

William Lander, of Lincoln, was a native of Tiparo, Ireland, born May 9, 1817. His parents, Samuel and Eliza Ann (Miller) Lander emigrated to America when their son was about eight years old. He received his education at the Cokesberry (S. C.) Methodist School. He read law; settled in Lincolnton and soon built up a large practice. He was a member of the House of Commons in 1852; Solicitor of his circuit from 1852–'64. At the end of the first session of the Convention he resigned his seat to go to the Confederate Congress. Mr. Lander was a pronounced secessionist and an ardent Democrat. At the close of the war he resumed his practice in Lincolnton where he died January 6, 1868.

LEAK, JAMES AUGUSTUS.‡

J. A. Leak, of Anson, son of William and Ann (Wall) Leak, was born in Richmond county on August 12, 1822. He was of English extraction. He was graduated from the State University in 1843. Mr. Leak was a farmer; President of

*F. M. Robbins, Lexington; Mrs. Letty K. Lassiter, Henderson.

†Rev. Samuel Lander, Williamston, S. C.

‡J. A. Leak, Wadesborough.

the Bank of Wadesborough, and later of the New Hanover Branch Bank at Wadesborough at the time of his death, March 26, 1892. He represented Anson in the House of Representatives in 1858 and in the Senate in 1885. He was a member of Governor Jarvis' staff. He was not able to be present the day the Ordinance of Secession passed, but when he appeared, he asked to be recorded as voting for it. Mr. Leak was a Whig.

LEAK, WALTER FRANCIS.*

The delegate from Richmond was closely related to J. A. Leak of Anson. He was born March 26, 1799, in Richmond county. His great-grandfather and great-grandmother on the paternal side came from England on the "May Flower," and were afterwards married. His parents were Watley and Judith (Mask) Leak. He was a student of the University of North Carolina 1815–'18. He was a large farmer and a lawyer of some prominence. In politics he was a Democrat, and in religion a Methodist. Mr. Leak held the following public offices: Member of the House of Commons 1821 and '31; State Senator in 1832; delegate to the Convention of 1835; Presidential Elector in 1852 and Trustee of the University twenty years. He was a strong secessionist. He was a member of the National Democratic Convention at Charleston in 1860. He died April 28, 1879.

LINDSAY, DANIEL MCDONALD.†

Upon the resignation of John B. Jones, of Currituck, Daniel McDonald Lindsay was elected to fill the vacancy. He was the son of Jonathan and Jane B. (McDonald) Lindsay, born April 27, 1836 in Currituck county. He attended Bingham School at Oaks, Orange county. Before the war he was a politician and a man of some means. He was State Senator in 1862 and '64. He fought in the war, being Captain of Company L, Seventeenth North Carolina Regiment. Just after

*W. F. L. Steele, Rockingham.
†Self, Washington, D. C.

the war he was County Surveyor. In 1876 he was a candidate for Congress, but was defeated by J. J. Yates. Mr. Lindsay is now living in Washington, D. C., and is editor and proprietor of "The Fourth Class Post Master," a journal devoted to the interests of the post masters, indicated by the name.

LONG, WILLIAM JOHN.*

The third son of John and Sabra (Ramsay) Long was William John Long, of Randolph, born in the extreme south eastern corner of this county in the "Long's Mill Neigborhood," July 1, 1815. His father's ancestors came from Queen county, Pennsylvania to Loudon county, Virginia; thence to North Carolina. He was an alumnus of the University of North Carolina, being graduated in 1838.† He was licensed to practice law in 1841 and soon commanded a large practice in Randolph and adjoining counties. Mr. Long was a Henry Clay Whig; a supporter of Bell and Everett, and an advocate of the preservation of the Union, but when "the die was cast," he went with his people. He was a member of the House of Commons in 1852. In 1882 he removed to Minneapolis, Minnesota, where he died October 29, of the same year.

LYON, THOMAS BEVERLY.†

T. B. Lyon, the successor of A. W. Venable, who resigned when elected to the Confederate Congress, was born in the county which he represented in the Convention, Granville, November 24, 1821. His father, Elkanah Lyon, was of French origin and his mother, neé Celia Fleming, was of English origin. He was a farmer and leaf tobacco dealer until 1872 when he moved to Durham and became a tobacco manufacturer. In 1844 he was an elector on the James K. Polk ticket. In 1856 he was nominated for a seat in the legislature and elected, and re-elected in 1858. Mr. Lyon has been re-

*Miss Jane F. Long, Minneapolis, Minn.

†*U. N. C., 1789–1889.*

‡Self, Durham.

tired from business for several years and is now living in Durham. In regard to his opinion about secession, Mr. Lyon said: "The right of secession under the constitution the most learned in the law could not and would not deny. In the federation of States each reserved distinct rights that the general government could not override. In this terrible ordeal I stood with my people and favored secession. I believed then and believe now that it was right." He is a member of the Methodist Episcopal Church, South.

McDowell, Joseph Alberta.*

Dr. J. A. McDowell, of Madison, the son of James Moffit and Margaret (Erwin) McDowell, of Pleasant Garden in that part of Burke which is now McDowell county, and the grandson of Major Joseph McDowell, who was wounded at King's Mountain, was born November 20, 1821. He read medicine under Doctor Hardy in 1842 and afterwards was graduated with honor from the Medical College at Charleston, South Carolina. His ancestors were Presbyterians and came into Northern Ireland during the protectorate of Cromwell. He was a physician of some eminence in his section and Colonel of the Sixtieth Regiment North Carolina Troops in the Confederate Army. He was a Whig in politics, and originally opposed to secession. He died in Asheville on March 10, 1875.

McDowell, John Calhoun.†

The brother of the above was John Calhoun McDowell, of Burke, named for "Hunting John" McDowell of Revolutionary fame and John C. Calhoun. He was graduated from the Medical College of South Carolina at Charleston in 1847 and located in Morganton. He disliked public office and ran for the Convention against his will, defeating Colonel B. S. Gaither. He had an exceptionally large family connection all of whom were Whigs while he was a staunch Democrat.

*Hon. J. W. Wilson, Morganton; J. A. Gamewell, Spartanburg, S. C.
†Hon. J. W. Wilson, Morganton.

He was opposed to secession. He was born July 7, 1825 and died August 2, 1876.

McDowell, Thomas David Smith.*

T. D. S. McDowell, of Bladen, son of Dr. Alexander McDowell, was born in Bladen, January 4, 1823, and was of Scotch extraction. He was educated at Donaldson Academy and at the University of North Carolina where he was graduated in 1843. He was a member of the House of Commons from 1846–'50; State Senator 1854–'58; and a member of the Confederate Congress. He received on the second ballot for the latter place fifty-three votes to forty-nine for W. F. Leak and one for Walter L. Steele. He resigned his seat in the Convention on June 22, 1861. Mr. McDowell was a planter. He died May 1, 1898. Wheeler says the he was one of the purest men in public and private life that he ever knew. He was a member of the Presbyterian Church.

McDuffie, Malcom James.†

M. J. McDuffie, of Cumberland, who succeeded Warren Winslow resigned, was "the artificer of his own fortune." He was born a few miles north of Fayetteville, and at an early age was apprenticed to A. A. McKeithan, a well-known carriage and harness maker, of Fayetteville, to learn the harness trade. He showed such a decided fondness for books that Mr. McKeithan released him from his indenture, and advised and aided him to secure an education. He entered the University of North Carolina and was graduated in 1851 delivering his graduating oration on "Flora McDonald."‡ After being graduated, he studied law under Judge Jesse G. Shepherd and in 1854 represented his county in the legislature. He was a Democrat and a secessionist. He left Fayettevile after the war, migrating to Texas, where he died in 1876.

McNeill, Archibald Stewart.§

A. S. McNeill was born in the county of Cumberland, in the

*Wheeler's Reminiscences; *U. N. C. Magazine*, June 1898.
†Hon. R. P. Buxton, Fayetteville. ‡Com. Exercises, 1851, U. N. C.
§Miss Mildred McNeill, Summerville.

part which is now Harnett, on a farm on the Cape Fear River, on the old stage road from Raleigh to Fayetteville, twenty-three miles above Fayetteville and thirty-three from Raleigh. The date of his birth was March 5, 1805. His father was Neill McNeill, the son of Archibald (Band) McNeill who emigrated from Scotland before the American Revolution; was a surveyor and acquired a large body of land in Cumberland—chiefly through grants from George III. His paternal grandmother was Janet Smith, a native of Scotland, and his mother, Grisella Stewart was also from Scotland, so that by both descent and character, he was a full-blooded Scotchman. A. S. McNeill became a farmer and also a merchant to some extent. He was almost continuously in the service of his county as a member of the Board of County Commissioners, and this together with his membership in the Convention were his only public offices. He was elected to the Convention by a large majority and although a Whig and opposed to secession, he finally voted for it and afterwards gave to the cause his strongest support. He was reared in the strict Presbyterian faith, which he always revered, but never united with the visible church. He died on September 21, 1876 at his home, McNeill's Ferry on Cape Fear River.

McNeill. David.*

David McNeill, of Cumberland, was born in the Bluff Church Neighborhood of Cumberland on October 4, 1798. His parents were James and Catherine (McAlister) McNeill. Notwithstanding the fact that Cumberland was largely Democratic and he was a Whig, nevertheless on account of his personal popularity and the clannishness of the Scotch, Mr. McNeill, when a candidate, nearly always carried the county. He represented it in the legislature in 1820, '31, '32, '33, '34 and '35. He was Chairman of the County Court several years and a Justice of the Peace forty-five years. Mr. McNeill was a firm believer in the right of secession and that the South had just cause to withdraw. He was a farmer. He died

*R. P. Buxton, Fayetteville; Mrs. L. A. Page, Aberdeen.

March 2, 1871, and was buried in the cemetery at the Bluff Presbyterian Church, in which he had been a Ruling Elder for forty years.

MANN, EDWARD L.*

The delegate from Hyde was Edward L. Mann, the son of Joseph and Sarah Mann, born on February 25, 1825 His parents died when he was very young, and he had only such educational advantages as were obtainable in the schools in his immediate neighborhood, and he was not permitted to avail himself of these privileges regularly. He was a farmer and a successful one, and was also, for several years, a merchant, but eventually devoted himself entirely to the more congenial occupation—farming. He took an active interest in politics and previous to the war was a Whig and afterwards a Democrat. He represented his native county in the House of Commons in 1862 and the district one term in the State Senate in 1864. He was not an original secessionist and yielded only when there seemed to be no other alternative. He died January 11, 1894.

MANNING, JOHN, JR.*

John Manning, Jr., of Chatham, was born in Edenton on July 30, 1830. His parents were John and Tamar (Leary) Manning. He attended the Edenton Academy, Norfolk Military Academy, and the University of North Carolina where he was graduated in 1850 with high honors, and immediately after graduation, became Purser's Clerk on the United States brig, Bainbridge, of which his father was Captain and served in this capacity during the vessel's cruise along the eastern coast of South America. After completing this voyage, he studied law under John H. Haughton of Pittsboro —a relative of his—and on being admitted to the bar, became associated with him in practice. He was opposed to secession; voted for the Badger Ordinance, and when it failed,

*J. S. Mann, Middleton.

**University Magazine*, Vol. XVI. ;. *Hellenian*, 1898.

voted to submit the Ordinance of Secession to the people of the State for ratification.* He voluntered in the first company formed for the Civil War in Chatham and was elected its First Lieutenant and was later Commissioned Adjutant of the Fifteenth Regiment North Carolina Volunteers, but in October 1861, Judge Biggs nominated, and President Davis appointed him Receiver of Claims for the Confederate States, whereupon he resigned his commission as Adjutant. In 1871, he was a member of Congress from the Fourth District; in 1875, a delegate to the Constitutional Convention, and in 1881, a member of the General Assembly, in which he introduced the bill for the first regular annual appropriation to the University of North Carolina. The General Assembly appointed him with W. T. Dortch and John S. Henderson, a commission to codify and revise the Statute Laws of North Carolina, which commission produced the Code of 1883, now in use in this State. The positions of Superior Court Judge, and Secretary of State, tendered to him by Governor Jarvis, were declined. In 1882, the University conferred upon him the degree of LL.D. In 1881, the Trustees elected him Professor of Law in the University, and during his service of nearly eighteen years in this chair, the number of students increased ten fold. His success as a teacher is likewise attested by the men who studied under him, all of whom loved him and praised him. His "Commentaries on First Blackstone," which were in press at the time of his death–February 12, 1899, have elicited favorable mention and are now used as a text-book in the University. Dr. Manning was a consecrated and consistent christian—a member of the Episcopal Church.

MEARES, THOMAS DAVIS.†

T. D. Meares, of Brunswick, son of William B. and Catharine G. (Davis) Meares was born July 27, 1818. His mother was Catharine, the daughter of General Thomas Davis of

*Dr. Kemp P. Battle.

†T. D. Meares, Wilmington.

Fayetteville. He was of Scotch and English ancestry. He was graduated at the State University in 1839. He entered the legal profession, but after practising successfully for some years, commenced rice planting and gradually abandoned law. He was married, in 1845, to Jane, daughter of Governor James Iredell of Raleigh. Mr. Meares was a member of the legislature of 1856 and of the following session; and an Aid-de-camp on the staff of Governor William A. Graham. He was a Whig in politics and opposed secession until Lincoln's proclamation calling for troops, when he became convinced of the necessity of taking one side or the other, and went with his people. He resumed the practice of law after the war and died December 20, 1881. In religion, Mr. Meares was an Episcopalian.*

MEBANE, GILES.†

The founder and the first President of the Dialectic Society of the University of North Carolina was James Mebane whose son, Giles, was the colleague of Thomas Ruffin, of Alamance, in the Convention. The Mebanes emigrated to America from the North of Ireland and settled in Pennsylvania, whence Alexander Mebane, the Elder, removed to Hawfields in Orange county prior to the Revolution. His grandson, James married Elizabeth, only daughter of William Kinchen and one of their offspring was Giles Mebane, born in the part of Orange which is now Alamance on January 25, 1809. His preparatory education was received under the tutelage of William Bingham, Senior, whom he assisted in teaching. Entering the University of North Carolina, he was graduated with the class of 1831, and was a tutor in the institution the year after his graduation, after which he read law under Chief Justice Ruffin. His first appearance in public life was made in 1844 as a member of the House of Commons from Orange, to which position he was returned in 1846 and in 1848. During the session of 1848, he introduced the bill to create the county

*James Sprunt, Esq., Wilmington.
†Self, Milton.

of Alamance from Orange, giving the name to both the county and the county site. In 1854, the new county sent him as one of its first representatives to the House of Commons and re-elected him in 1860. As a member of the Committee on Federal Relations of that body, he signed on December 10, 1860, the minority report, protesting against voting on the question of calling a convention on February 7, 1861.* He was Senator from Alamance and Randolph in 1862 and 1864, and during both terms was President of that body, and was a member of the Constitutional Convention of 1865. In 1878, the Twentieth Senatorial District embracing the counties of Orange, Caswell and Person, sent him to the Senate, in which he introduced the bill to compromise and settle the indebtedness of the State which was an effective agent in replacing the credit of North Carolina on a sound basis.† He succeeded Chief Justice Ruffin as Chairman of the County Court of Alamance. Mr. Mebane was an ardent supporter of the building of the North Carolina Railroad, being a member of the House of Commons at the time when this measure passed by the vote of the Speaker—Calvin Graves. To prevent the forfeiture of the charter by lack of subscriptions, he subscribed more stock than he was worth, and took a contract and built six miles of the road through Orange county. He was a Director of this road for eighteen years. He was a Trustee of the University for a number of years and after the death of Dr. A. J. DeRosset, was the "oldest living graduate" of the institution.‡ In politics, Mr. Mebane was, before the war, a Whig, and afterwards a Democrat, and was not in favor of secession until our neighboring states seceded and North Carolina seemed in imminent danger of being the battle-field of the war, after which the Southern cause received his strongest support. In religion, he was a devoted Presbyterian, being a member of this denomination for nearly sixty years, and a Ruling Elder in his church, many years. In 1868, he removed to Caswell county where he died on June 3, 1899. §

*Moore's History, Vol. II.

†Legislative Handbook, 1879.

‡*University Magazine*, Vol. XV.

§Julius Johnston, Yanceyville.

MERRITT, LEONIDAS JOHN.*

L. J. Merritt, of Chatham, was born in that county on June 8, 1830. His father was William Merritt and his mother, a sister of Governor Abram Rencher. He was prepared for college under William J. Bingham and was graduated from the State University with high honors in 1854. After reading law under Chief Justice Pearson he located in Pittsboro and was soon afterwards elected Clerk and Master in Equity. He next appeared in public life as a delegate to the Secession Convention, but as soon as the Chatham Rifles was organised, he enlisted; was made lieutenant and went to the front. He was killed in the desperate charge of Magruder at Malvern Hill in 1862.

MICHAL, GEORGE WASHINGTON.†

The subject of this sketch was born in Rutherfordton, N. C., October 19, 1825, and died in Hickory, N. C., January 11, 1892. His father, Jacob Michal, who came to North Carolina from Pennsylvania, and his mother, Catharine Ramsour of Lincoln county, were both of German extraction. In his early youth, he decided upon medicine as his chosen profession, and entered the Medical College at Charleston, South Carolina, but later went to the University of Pennsylvania where he was graduated at the age of twenty one. Commencing to practice in Marion, N. C., he continued there until 1861 when he became Surgeon of the Sixteenth North Carolina Regiment. While thus employed, he was elected to the Convention from Rutherford county to fill the vacancy caused by the resignation of Jason H. Carson, taking his seat January 21, 1862. In 1865, he removed from Marion to Newton and here practiced his profession for eight years when, failing health forced him to abandon it for other pursuits. Dr. Michal was always a conservative in politics and deplored secession even when he recognised it as the last resort for the State. In his early life, he joined the Methodist Episcopal

*A. H. Merritt, Pittsboro.

†J. McD. Michal, Hickory; Sketch by Col. R. B. Davis, Wilmington.

Church, South, but later embraced the views of the Episcopal Communion.

MILLER, WILLIAM JOHN TWITTY.*

Cleveland county sent two physicians to the Convention. They were W. J. T. Miller and James Wright Tracy. William John Twitty Miller, son of John and Susan (Twitty) Miller, was born in Rutherford county, five miles west of Rutherford, on April 12, 1805. He was of Scotch-Irish descent. After being graduated in medicine at Transylvania University, Lexington, Kentucky, he settled on Broad River in Rutherford (now Cleveland county), six miles from Shelby. Dr. Miller represented Rutherford county in the State Senate in 1842, and in the House of Commons in 1836, '38 and '40; Cleveland and Rutherford in the Senate in 1848; Cleveland in 1864, and Cleveland and Gaston in 1872. He was a Whig before the war and voted for Bell and Everett in 1860. He was opposed to secession until Lincoln called for troops to coerce the South, when he at once became a secessionist and a loyal supporter of the Confederate Government. For nearly fifty years, he was an active layman in the Methodist Episcopal Church, South, and a steward of his church for thirty-nine years. He served the church at various times, as district steward, secretary of the Quarterly Conference, lay delegate to the Annual Conference, and as delegate to the Southern Methodist Conference in Atlanta in May 1878. He died in Shelby on the 7th of December 1886.

MITCHELL, ANDERSON.†

Judge Mitchell, of Iredell, was born in Caswell county, June 13, 1800. He was of Scotch-Irish descent. He attended Bingham's School and the University of North Carolina, where he was graduated in 1822 and was a tutor therein 1821–'22. He received the degree of Master of Arts from the University in 1824. He read law under Chief Justice Hend-

*Dr. J. F. Miller, Goldsboro.

†Prof. D. Matt Thompson; Statesville; Wheeler's Reminiscences.

erson in Granville county. He removed to Wilkes and represented that county in the State Senate in 1840, '52 and '54. In 1842, he was elected to Congress serving one term. In 1847, he was elected Judge of the Tenth Judicial District. In 1865, he was elected Judge of the Superior Court but was not allowed to serve and in 1873 Judge of the Tenth Judicial District. He was opposed to secession, Previous to the war he removed to Statesville, where he continued to reside until his death on December 24, 1876.

MOODY, JOHN MASON.*

J. M. Moody, of Northampton, son of William Moody, a native of that county, was born March 21, 1816, near Pleasant Hill. His mother was Mary, a daughter of John Mason of Virginia. His extraction, both paternal and maternal, was English. Original deeds and grants from George II. to lands in North Carolina are still in possession of the Moody family. He received the greater part of his education at Bingham School. He had considerable farming interests in Northampton and also in Mississippi. Mr. Moody was a member of the State Senate in 1844 and '46, an ardent secessionist, and a member of the Methodist Episcopal Church, South. He died June 2, 1877.

MOSELEY, ROBERT ALGERNON.†

R. A. Moseley, of Sampson, son of John W. and Dorcas (Garland) Moseley, was born at Oak Grove on Cedar Run in the above county on October 25, 1831. He was of English ancestry. He was educated at Spring Dale Academy. He was Brigadier-General of the Sixth Brigade of the North Carolina Militia; Lieutenant of the Sampson Rangers, and went with them to Fort Johnson, but soon resigned on account of feeble health. Mr. Moseley was opposed to secession until Lincoln called on the South for troops. He was, for the greater part of his life, a merchant in Clinton. He was a

*Dr. H. G. Leigh, Petersburg, Va.

†Rev. A. L. Phillips, Tuscaloosa, Ala.

member of the Methodist Episcopal Church, South. He died a victim to consumption on May 18, 1866.

MURRILL, ANDREW JACKSON.*

A. J. Murrill, of Onslow, the successor of Dr. E. W. Ward in the Convention, was born in Onslow on May 20, 1819. He was the son of John and Mary Ann (Johnston) Murrill, both of whom were of English extraction. He was a farmer. He was a magistrate for many years, and served as Chairman of the Board of County Commissioners several times; in the State Senate in 1862, and in the House in 1864 and '66. He was a secessionist. His death occurred July 4, 1889.

MYERS, ALBERT.†

Albert Myers, of Anson, born April 20, 1828, was the youngest son of Marmaduke and Rebecca Myers both of whom were of English descent. He led his class in the College of Physicians and Surgeons in New York City. Receiving his degree in 1847, he located in his native county. He was a member of the State Senate from Anson and Union in 1856. In politics Dr. Myers was a Whig and like many others, opposed secession until Lincoln's proclamation calling on the South for troops. In religion he was an Episcopalian. He died in 1884.

OSBORNE, JAMES WALKER.‡

Judge Osborne, of Mecklenburg, was born in Salisbury on December 25, 1811. The Osbornes originally settled in New Jersey whence Alexander Osborne, the founder of the line in North Carolina, came in 1755 and settled in Rowan county. His father was Edwin Jay Osborne and his mother, Harriet, daughter of Captain John Walker, of Wilmington. He was

*Dr. E. W. Ward, Pollocksville; Wm. Murrill, Catharine Lake.

†Col. H. C. Jones, Charlotte.

‡Wheeler's Reminiscences; Judge Schenck's Sketches of the Convention.

graduated from the State University in 1830; then studied law with William A. Graham in Hillsborough and was licensed in 1833. He was Presidential Elector-at-large in the Clay campaign and on the Seymour and Blair ticket. He was Superintendent of the Charlotte Mint under Fillmore. In 1859 Governor Ellis appointed him to fill a vacant judgeship and the legislature in 1860 confirmed the choice by electing him to the same office. In politics, Judge Osborne was a State's-right Democrat, having left the Whig party, because he thought it was not prompt enough to see and resist the dangers threatening the South. Judge Osborne was, for nearly twenty years, a Ruling Elder in the Presbyterian Church. At the time of his death, August 11, 1896, he was State Senator from Mecklenburg.

PATTERSON, RUFUS LENOIR.*

R. L. Patterson, of Forsyth, was born June 22, 1830 at Palmyra in the "Happy Valley" of the Yadkin in Wilkes county. He was the oldest son of Samuel F. Patterson. His mother was a daughter of General Edmund and Anne (Lenoir) Jones and a sister of Edmund Jones of Wilkes, later of Caldwell. He was graduated from the University of North Carolina in 1851. He was a lawyer by profession. He was Chairman of the County Court of Forsyth from 1855–'60; several times Mayor of Salem; a member of the Convention of 1865 and a Trustee of the University. He went to the Convention of 1861 in the vain hope of being able to do something to dispel the war clouds then hovering over the State. After the war he was largely engaged in manufacturing and mercantile pursuits. Mr. Patterson died July 15, 1879.

PENLAND, MILTON PINCKEY.†

M. P. Penland, of Yancey, born in Burke county on December 7, 1813, was the son of Henry and Elizabeth (Branch)

*Lindsay Patterson, Raleigh.
†W. H. Penland, Asheville.

Penland. He was of Scotch-Irish extraction. He served as Clerk and Master in Equity of Yancey for a number of years, but usually refused political preferment. He was a conservative man in politics, but a pronounced secessionist after the election of Lincoln. He was a merchant. He died June 2, 1880. Mr. Penland has been called: "A pioneer of the mountain country; a type of its best citizenship."

PETTIGREW, WILLIAM SHEPARD.*

Rev. W. S. Pettigrew, of Washington, son of Ebenezer and grandson of Rev. Charles Pettigrew, the first bishop-elect of the Episcopal Church in North Carolina; and Anne Blount, daughter of William Shepard, of New Berne, was born on Bonarva plantation on Lake Scuppernong in Tyrrell county on October 3, 1818. The Pettigrews came originally from France and were Huguenots. One branch emigrated to Scotland and when a member of this branch, James, joined the army of William of Orange, he was made an officer and for meritorious conduct was given land in County Tyrone, Ireland. Descendants of his moved to America. The subject of our sketch attended Hillsborough Academy, of which William J. Bingham was then principal, and the University of North Carolina from 1834–'37. In 1838 he settled on Belgrade plantation which had been given to him by his father. He was a zealous Whig, not an original secessionist, but became one after Lincoln's proclamation. In 1864 he joined the Senior Reserves of Edgecombe county, his own county being in the hands of the enemy. He was admitted into the ministry of the Episcopal Church in Wilmington on January 31, 1869, and since then has preached at various churches in Washington, Granville, Vance and Warren counties, extending over a peiod of more than thirty years. He is now living in Ridgeway.

PHIFER, CALEB.†

Caleb Phifer, of Cabarrus, son of John and Esther (Fulen-

*Self, Ridgeway Lake.
†Wheeler's Reminiscenses.

wider) Phifer, was born at Cold Water, Cabarrus county, on June 16, 1810. He was sprung from very old German families on both sides. He was a merchant and a planter. He served as a member of the House of Commons in 1844 and as a director of the North Carolina Railroad Company. Mr. Phifer was a member of the German Reformed Church and died March 11, 1878.

RAYNER, KENNETH.*

Kenneth Rayner, of Hertford, was born in Bertie county in 1818. His father, Rev. Amos Rayner, who was a Baptist minister and had been a soldier of the Revolution, married a Mrs. Williams, who had considerable wealth. He was educated at the Tarboro Academy; studied law under Chief Justice Ruffin, but never practiced much, as he preferred the more active life of a politician. He was the youngest member of the Convention of 1835, in which he made a strong speech in favor of abolishing the "Religious Tests for Office." He represented Hertford in the House of Commons in 1836, '38, '46, '48 and '50, and in the State Senate in 1854. He was a member of Congress from 1839 to '45. After the termination of the war he removed to Mississippi. He was appointed Judge of the "Alabama Claims" and was nominated for the Supreme Bench of Mississippi. In politics Mr. Rayner was a Whig and a Secessionist. On March 4, 1884, Mr. Rayner died in Washington while occupying the position of Solicitor of the Treasury of the United States.

RHODES, JAMES THOMAS.†

J. T. Rhodes, of Duplin, was a native of that county, born March 24, 1806. His parents were James and Mary (Farrior) Rhodes. He attended the University of North Carolina in 1826; taught school and afterwards studied law. Besides being a lawyer, he was also a prominent farmer. He died in Sampson county, March 22, 1863.

*Wheeler's Reminiscenses, Moore's History, Vol. II.
†Col. Thomas S. Kenan, Raleigh.

REID, DAVID SETTLE.*

One of Rockingham's delegates was David Settle Reid, the first Democratic Governor of North Carolina, who was thrice a candidate for this office, but suffered defeat the first time, 1848. In 1850 his party again nominated him for the Governorship, and this time elected him, and repeated it in 1852. During his second term as Governor the General Assembly elected him to the United States Senate which position he held until March 3, 1859. He was a son of Reuben Reid and was born in Rockingham county, April 19, 1813. He received his education at the Military Academy at Middletown, Conn.; read law; received his license when twenty-one years old; saw his first public service the next year, 1835, as State Senator from his native county, in which capacity he served five successive terms. He was a member of the House of Representatives of the United States 1843–'47.† He was a delegate to the Peace Congress at Washington, a member of the Confederate Congress, and also a member of the State Constitutional Convention of 1875. He died June 19, 1891.

ROYSTER, STEPHEN SAMUEL.‡

S. S. Royster, of Granville, was born in Hanover county, Virginia, March 10, 1816. He was educated at a preparatory school in Albemarle county, near the University of Virginia. His father, David Royster, sold his property in Virginia and removed to Shelby, Tennessee, some time during the thirties. When about grown, S. S. Royster came from Tennessee and settled in Granville county where he made considerable money by farming. He was an ardent Whig and is said to have enjoyed an intimate acquaintance with Henry Clay. He was opposed to secession until Lincoln's proclamation calling on the South for troops. He was a director of the Raleigh and Gaston and the Raleigh and Augusta Air Line

*Dowd's Prominent North Carolinians; R. D. Reid, Wentworth.
†Wheeler's History.
‡Col. B. S. Royster, Oxford.

Railroad Companies for about twenty years. He was an Episcopalian. His death occurred July 20, 1878.

RUFFIN, THOMAS.*

Alamance sent, as one of its delegates to the Convention, Thomas Ruffin, who had seen many years' service on the bench and whose opinions had been cited with favor throughout America and in Westminster Hall. His parents were Sterling and Alice (Roane) Ruffin, who were living in Essex county, Virginia, at the time of his birth, on November 17, 1787. His mother was a first cousin of Spencer Roane, at one time Chief Justice of Virginia. Young Ruffin was sent to a classical academy at Warrenton to receive his preparatory instruction under Marcus George, an eccentric but scholarly Irishman, and a teacher of repute. Among his fellow-students were Cadwallader Jones, later of the United States Navy, and Weldon N. Edwards. He entered Princeton College where he was graduated in 1805, sixteenth in a class of forty-two. Governor James Iredell was for three years his room-mate at this institution. After being graduated, David Robinson, a lawyer of Petersburg, Virginia, received him into his office and taught him law. A fellow student at the same time was General Winfield Scott. Sterling Ruffin, having suffered financial reverses, removed to Rockingham county in 1805, whither he was followed by his son two years later. Here Hon. Archibald D. Murphey was his legal preceptor. Gaining admission to the bar in 1808, he removed to Hillsborough in 1809. In 1813, '15 and '16, the borough of Hillsborough elected him as its representative in the House of Commons. Seven years after his advent to the bar and while Speaker of the House of Commons, in 1816, the General Assembly elected him Superior Court Judge, *vice* Duncan Cameron resigned. The wants of an increasing family and the heavy loss sustained by the payment of a large security debt

* "Life and Character of Thomas Ruffin," an Oration delivered before the State Agricultural Society by Wm. A. Graham on Oct. 21, 1870.

caused him to resign the judgeship in 1818. Some years later, Judge George E. Badger resigned and Judge Ruffin was again called to the Superior Court Bench, where he served until 1828, when he resigned to become president of the Bank of the State of North Carolina. In 1829 he was elected to the Supreme Bench on which he sat continuously for twenty-three years. In 1833 Chief Justice Henderson died and he was promoted to that office. In 1852, he resigned, but was recalled after the death of his successor, Judge Nash, in December 1858. His final resignation was in 1859, after which he served as presiding judge of the County Court of Alamance for a number of years. In 1854, the State Agricultural Society elected him its president in which capacity he continued six years. He was a Trustee of the University for twenty-six years and a member of the "Peace Commission" which convened in Washington in the winter of 1861. In 1834, the University of North Carolina conferred upon him the degree of LL.D. His opinions extend through twenty-five volumes of the Reports of the North Carolina Supreme Court. "Judge Ruffin was a Jeffersonian Democrat, an ardent Southerner and had no toleration for Northern aggressions."* In religion he was a member of the Episcopal Communion. At the time of his death on January 15, 1870, he had been retired from public life for several years, and was living at Hillsborough.

SANDERS, CLAUDIUS BROCK.†

C. B. Sanders, of Johnston, born seven miles northwest of Smithfield, September 7, 1829, was a son of John and Mary (Boddie) Sanders and of English extraction. He was graduated among the best scholars from the University of North Carolina in 1851, deliving the Latin Salutatory. He read law under B. F. Moore, of Raleigh, and obtained his license in 1852. He lived five miles from Smithfield where he farmed and practiced law. Mr. Sanders held the following public

**Personal Sketches of Prominent Delegates*, by David Schenck.

†W. S. Stephens, Smithfield.

offices: County Attorney, 1855; member of the General Assembly, 1856 and 1862. He was a zealous Whig and at first opposed to secession. He died October 29, 1874.

SATTERTHWAITE, FENNER BRYAN.*

F. B. Satterthwaite, of Pitt, was born March 16, 1813. His ancestors came from England in colonial days; settled where Philadelphia now stands; then came south and settled in the "Pungo" or Marshipungo region of Beaufort County. He was raised in a wild and illiterate region receiving little but a "plow handle" education. He married before he attained his majority. He represented Beaufort in the House of Commons in 1836 and was soon afterwards put in prison for debt, but his father-in-law came to his rescue and secured his release. While in prison, he decided to study law, and it was not long before he had obtained a large practice. He was Presidential Elector on the Pierce ticket; member of the Convention of 1865, and of the Council of State during Vance's administration. While in the Convention of 1861, he moved to table the act to allow soldiers to vote wherever they happened to be at the time of election, in opposition to which measure he made one of the strongest speeches of the Convention. He was a Whig and an Episcopalian. He died March 23, 1875.

SCHENCK, DAVID.†

David Schenck, of Lincoln, occupied the seat in the Convention made vacant by the resignation of William Lander. He was born in Lincolnton March 24, 1835. His father, was David Warlick Schenck, and his mother's maiden name was Rebecca Bivens, of Charleston, South Carolina. The Schencks were exiled from Switzerland on account of being Protestants and came to England in 1708 and thence to America with Penn's colony. In 1790 David Schenck's grandfather

*Memorial Edition of his Life.

†U. N. C., 1789-1889. Catalogue Dialectic Society. Dowd's *Prominent North Carolinians*. Wheeler's Reminiscences.

moved to North Carolina and settled in Lincoln county. The grandson studied law, obtaining his license in 1857, and located at Dallas, Gaston county, but in 1860 removed to Lincolnton. He held the office of County Attorney for Gaston, and in 1860 for Lincoln. In 1874 he was elected Judge of the Ninth Judicial District, resigning on April 1, 1881, to become general counsel of the Richmond and Danville Railroad Company and the following year removed to Greensboro. He is the president of the Guilford Battle Ground Company and to him is largely due the credit of the enterprise. In 1880 he received the degree of LL.D. from the University of North Carolina. Judge Schenck is the author of "North Carolina, 1780–81," and of several other historical and biographical papers. He is an Episcopalian.

SHAW, HENRY MARCHMORE.*

Currituck county was represented in the Convention by H. M. Shaw, a native of Newport, Rhode Island, born on November 20, 1817. His father, John Allen Shaw, was then engaged in the mercantile business and in shipping to and from the West Indies, and during the war of 1812 suffered great financial losses by the destruction of his ships and their cargoes. About 1827 with the remnant of his fortune he removed to Tyrrell, engaging in merchandising and in the lumber business, but later abandoned these pursuits in order to enter the Baptist ministry. Both he and his wife, Betty Marchmore, were of Scotch-Irish extraction. Owing to the many losses which his father had sustained, Henry M. Shaw's scholastic education was limited to six months, but he found a friend and benefactor in the person of Dr. G. C. Marchant, of Indian Town, Currituck county, in whose office he studied for four years, after which he entered the Medical Department of the University of Pennsylvania, receiving the degree of M.D. and two special certificates in surgery. After completing his medical course, he was associated with Dr. Marchant until 1854. In 1851, he was elected to the State Senate, defeating John

*W. B. Shaw, Henderson.

Bernard. In 1853, his party, the Democratic, nominated him as its candidate for member of Congress from the First District against Colonel David Outlaw, and elected him. Being re-nominated in 1855, Robert Treat Paine defeated him. In 1857, he was an elector on the Buchanan and Breckenridge ticket. He strongly favored secession and resigned from the Convention at the end of the first session to accept the colonelcy of the Eighth Regiment, North Carolina troops. His regiment was stationed at Roanoke Island in February, 1862, when General Burnside made his attack, and on February 8, Colonel Shaw was compelled to surrender to the immensely superior force. He was exchanged in the September following and immediately proceeded to reorganize his command. In the fall of 1862, he commanded the defenses of Kinston and had several sharp engagements. In the spring of 1863, his command was ordered to Charleston, and when an assault seemed no longer imminent, he was sent to Wilmington, but in July, 1863, he returned to Charleston to aid in resisting the attack of General Gilmore. From Charleston the Eighth Regiment went to Virginia in the trenches around Petersburg and thence to North Carolina to to form part of an expedition against New Berne. In the early morning of February 1, 1864, Colonel Shaw was mortally wounded in a skirmish on Batchelor's Creek near New Berne, and expired on the field.

SHIPP, WILLIAM MARCUS.*

William M. Shipp, of Henderson, son of Bartlett, whose father, Thomas Shipp, came from Virginia and settled on the Dan River near Danbury, was born on November 19, 1819, in Lincoln county where his father had removed in 1818 and married Susan, daughter of Peter Forney. He entered the State University, graduating as salutatorian of his class in 1840; then read law; received his license in 1842, and located

*Moore's History, Vol. II. *Prominent Living North Carolinians*, by Jerome Dowd.

at Hendersonville. In the beginning of the Civil war he was elected captain of a volunteer company raised in Henderson county. After seeing nearly a year's service in Virginia, he resigned in 1863, to accept a Superior Court Judgeship, which position he held until deposed under the Reconstruction Acts. In 1862, he was a member of the State Senate. In 1870, the Democratic party made him its nominee for Attorney General and elected him by a majority of four thousand two hundred and twenty-one votes over Samuel F. Phillips, of Orange, the Republican candidate. After the expiration of his term of office, he practiced law in Charlotte until 1881, when Governor Jarvis appointed him Judge of the Superior Court to succeed David Schenck resigned. He was elected to this office in 1882 and was filling it at the time of his death on June 28, 1890.*

SMITH, CONARO DRAYTON.†

Conaro Drayton Smith, of Macon county, was born in the county of Buncombe on April 1, 1813. His grandfather, Joseph Smith, born in Maryland in 1730, was of English descent. He married Rebecca Dath, of Welsh descent, and removed to North Carolina in 1765. While on their way, Samuel, father of the subject of our sketch, was born in an inn in Albemarle county, Virginia. Samuel married Mary Jarrett, who was of English-German extraction, and settled near Asheville. In 1820, he removed to Tennessee and here young Conaro lived until 1832, when he went to clerk for Smith and McElroy, general merchants and ginseng collectors in Buncombe county. When Yadkin county was created, J. W. McElroy was made Clerk of the Superior Court and Smith became his deputy. Soon afterward, he was licensed to preach and his first work was as junior preacher in the LaFayette, Ga., district when it belonged to the Holton Conference. In 1838–'39, he was on the Lebanon Circuit, ; 1839–'40, agent of Holston College, New Market, Tennessee ; 1840–'41, on Wytheville circuit ;

*N. C. Supreme Court Reports, Vol. 106.

†Autobiography of Rev. C. D. Smith, furnished by F. T. Smith, Franklin.

1841–'42, Jonesboro circuit; 1842–'43–'44, agent for Emory and Henry College; 1844–'45, Wytheville circuit for the second time; 1845–'46, Athens station, Tennessee; 1846–'47, Rogersville circuit; 1849–'50, Presiding Elder of the Rogersville district; 1850–'51, Presiding Elder of the Greenville district. This was his last service in the ministry as his health failed and his physician advised him to adopt a more active life, so he tried farming for three years. In 1853, he became agent for the American Colonization Society and sent two families of emancipated negroes to Liberia. Mr. Smith had always been interested in geology and mineralogy and had made numerous expert observations and discoveries and this work resulted in his appointment as Assistant State Geologist which position he held for a number of years. He also served the State of North Carolina as Senator in 1862 and as member of the board of Agriculture. He died January 31, 1894.

Smith, Richard Henry.*

R. H. Smith, of Halifax, son of William Ruffin and Sallie (Norfleet) Smith was born at Scotland Neck, November 10, 1810. Richard Henry Smith was of English extraction. His forefathers came to Halifax county in 1700, and settled on Roanoke River. He was graduated from the University of North Carolina in 1832 and read law under Judge John Hall, of Warrenton, but his law practice was subordinate to his business of farming on Roanoke River. He was a member of the House of Commons in 1852 and '54, and was temporary chairman of the Convention of 1865. Mr. Smith favored peace until the inauguration of Lincoln when he became an ardent supporter of war. He was a communicant of the Episcopal Church and often a delegate to its General Convention. He was an active director of the Insane Asylum, at Raleigh. He died in Raleigh on March 3, 1893.

Smith, William Alexander.†

William A. Smith, of Johnston was born in Warren county

*By his son, R. H. Smith, Scotland Neck.

†C. W. Smith, Thomasville; N. C. Manual, 1874.

on January 9, 1828. His parents, Bannister R. and Mary Smith, were both of English extraction. He received only an ordinary common school education and when a young man, worked as a day-laborer on the Raleigh and Gaston Railroad. He resided awhile in Alabama, Louisiana and Texas, but returning to North Carolina, settled in Johnston county. He held public offices as follows: member of the legislature in 1874; delegate to the Convention of 1865; President of the North Carolina Rail Road Company in 1868; elected to the State Senate in 1870 but unseated for non-residence; member of Congress, 1873–'75. He was, at one time, President of the Yadkin River Railway Company from Salisbury to Wadesboro, and also Receiver of the Western North Carolina Rail Road Company from Salisbury to Old Fort. He was elected to the Convention as a "Union Man." At the time of his death on May 16, 1888, he had retired to his farm in Johnston county. His remains were interred in Hollywood Cemetery, Richmond, Virginia. In religion Mr. Smith was a Methodist.

SPEED, RUFUS KING.*

R. K. Speed, of Pasquotank, born December 25, 1810, was a native of Mecklenburg county, Virginia. His extraction was in part Indian, some of his kinsmen tracing their ancestry to Pocahontas. He was a doctor of medicine and a politician. He represented Chowan and Gates counties in the State Senate two terms, 1838 and '40, and the first senatorial district in 1870. He was an elector on the Bell and Everett ticket and a delegate to the convention of February, 1861, which was voted down. Dr. Speed was, at first, an anti-secessionist, but became an ardent supporter of the Confederacy after voting for it. He is a member of the Missionary Baptist Church. Recently his mind gave away and he is now in the North Carolina Hospital, at Raleigh.

SPROUSE, ROBERT.†

The subject of our sketch is Robert Sprouse, of Davie, son

†Col. R. B. Creecy, Elizabeth City.
*Herbert Clement, Mocksville.

of George Sprouse, born in Patrick county, Virginia on September 10, 1810. He was of Scotch-Irish descent. But little is known of his early life. He settled at Hamptonville, Yadkin county, as a practising physican, but in 1855 removed to Mocksville. Here he did not practice medicine but devoted himself to farming. He served as special county magistrate from 1863 to 1865. He was a Whig and at first opposed to secession. He died June 22, 1867.

SPRUILL, ELI.*

Eli Spruill, of Tyrrell was born in Washington county, January 12, 1818. His parents were Hugh and Sarah Spruill both of whom were of Scotch-Irish descent. He was Clerk of the Court for Tyrrell from 1852–'61; member of the House of Commons in 1862 and Probate Judge from 1868–'74, and again Clerk of the Court in 1874. He was a Whig and opposed to secession until the call for troops. He was a merchant and a lawyer. At the time of his death, September 1, 1887, he had been a member of the Methodist Church for thirty-six years.

SPRUILL, SAMUEL BLOUNT.†

S. B. Spruill, of Bertie was born on his father's plantation near the mouth of Scuppernong River, December 11, 1810. His parents were James A. and Caroline (Blount) Spruill, a granddaughter of Colonel Blount of the Revolution. His paternal ancestors were English and his maternal Scotch. His father died when he was ten years old and he was sent to Warrenton to live with his uncle, George E. Spruill, who was the second Southerner to be graduated with first distinction from Yale. Hon. Weldon N. Edwards appointed him to West Point where he stayed three years and did well, but measles affected his eyesight, forcing him to leave the Academy. He then studied law under his uncle at Warrenton and, on obtaining his license in 1830, settled in Tyrrell

*Mark Majette, Columbia.

†Hon. Francis D. Winston, Windsor.

county. In 1831 he represented this county in the legislature and while in Raleigh married a Mrs. Cameron, of that city, and soon afterward removed to the Capital. In 1837, he was elected Superintendent of the Raleigh and Gaston Railroad Company and removed to Weldon. He soon resigned this situation and located at Jackson, Northampton county. In 1840, although a Whig, he defeated Governor Thomas Bragg for a seat in the House of Commons by a majority of two hundred. His wife having died six years before, in 1847, he married Mrs. Edward Hardy, of Bertie county and removed to that county. He was a member of the legislature from Bertie in 1852 and a delegate to the Convention which nominated General Winfield Scott for President. In 1860, he was nominated for the legislature, but was defeated by one vote. In June 1861, he assumed the colonelcy of the Second North Carolina Cavalry stationed at Kittrell, but later removed to Edenton, whence they were ordered to New Berne to re-enforce the troops at the disposal of General L. O'B. Branch, who was in command there. On March 14, 1862, when General Branch drew up his men to resist the Federal Army under General Burnside, the extreme right was held by Companies A and E of Spruill's Cavalry while six companies of the same command were held in reserve. A single volley from the two companies on the right repelled an attack—that flank being protected by a large and impassable swamp. These two companies with Colonel Vance's regiment were the last to leave the field. Colonel Spruill died at Colerain, Bertie county on May 15, 1889.

STARBUCK, DARIUS HENRY.*

D. H. Starbuck, of Forsyth succeeded Rufus L. Patterson, resigned, and took his seat on June 23, 1862. He was born in Guilford county and was the son of Reuben and Mary (Beeson) Starbuck, both of English extraction. He was graduated from New Garden (now Guilford College) and read law. He was United States Attorney for the Western

*Judge H. R. Starbuck, Winston; Forsyth Co., by Miss A. L. Fries.

District of North Carolina 1865–'72. In 1868 he was elected Judge of the Superior Court from the Eighth Judicial District, but declined the office. He was a member of the Moravian Church; was a Whig and opposed to secession. He was not a member of the Convention when the Ordinance of Secession was passed. He died May 26, 1887.

STRANGE, ROBERT.*

Robert Strange, of New Hanover, succeeded Robert H. Cowan, resigned, taking his seat November 19, 1861. He was born in Fayetteville, July 27, 1823, of parentage, Judge Robert and Jane (Kirkland) Strange; was graduated at the University of North Carolina in the class of 1841; then studied law and located in Wilmington. He was a quartermaster in the Mexican war with the rank of Major; member of the House of Commons in 1852; State Solicitor; a Director of the Bank of Cape Fear and Major in the Confederate service.† He was an Episcopalian. His death occurred June 24, 1877.

STEWART, AZARIAH COBURN.‡

A. C. Stewart, of Alexander, was born in the above county in 1836. He attended the University of North Carolina 1858–'60. He was a fluent speaker and canvassed his native county in favor of secession. He was one of the youngest members of the Convention. He attended the first session of the Convention and his untimely death occurred in 1861, during the interval between the first and second sessions of the body

STRONG, GEORGE VAUGHAN.§

G. V. Strong, of Wayne, son of Salmon and Eliza Jane (Sampson) Strong, was born in Sampson county on March 7,

*James Sprunt, Esq., Wilmington.
†Wheeler's Reminiscenses.
‡Hon. R. Z. Linney, Taylorsville. U. N. C. 1789–1889.
§Robert C. Strong, Raleigh.

1827. His father was of English blood and his mother of Scotch-Irish. He was graduated from the State University in 1845 with highest honors; taught school a year; then read law under George W. Mordecai, and located in Goldsboro in 1853. He served as District Attorney of North Carolina during the Confederacy. In 1871 he removed to Raleigh and entered into a copartnership with Governor Thomas Bragg and later with Chief Justice W. N. H. Smith. In 1874 he represented Wake county in the lower house of the General Assembly. He was Judge of the Wake County Criminal Court during its existence and conducted a law school while he occupied this position. He had retired from practice for several years before his death, which occurred October 10, 1897.

STRONG, JOHN MASON.*

Dr. J. M. Strong, of Mecklenburg, was born in Newberry county, South Carolina, on September 1, 1818. He was the son of Rev. Charles and Nancy (Harris) Strong, both of Scotch-Irish descent. He was graduated from the Jefferson Liberty College in Worthington county, Pennsylvania, in 1841, and at Jefferson Medical College, Philadelphia, in 1847. He never held any public post except that of member of the Convention. He took his seat in this body on January 23, 1862, in the place of Judge James Walker Osborne, resigned. He was an original Secessionist. Dr. Strong was a member of the Associate Reformed Presbyterian Church. He died March 11, 1898, at Elrod, Mecklenburg county.

SUTHERLAND, JOHN CHISHOLM.†

J. C. Sutherland, of Robeson, was born about seven miles south of the present town of Maxton in the "Old Fork" neighborhood of Robeson county in 1815. He was of Scotch lineage on both sides. He was a school teacher during the greater part of his life and a member of the faculty of Floral

*Heriot Clarkson, Charlotte.

†D. P. McEachern, Red Springs.

(Female) College in the above county during its palmiest days. He was always a man of retiring disposition and never married. His residence and all of his personal effects were burned by Sherman's army and all the family records were lost. For these reasons data in regard to his life are meagre. He tried merchandising at Bennettsville, South Carolina, immediately after the war, but soon abandoned it and went back to teaching. He was a Presbyterian and was, for many years, a ruling elder in the church. He and his colleague, J. P. Fuller, were both red hot secessionists. He died in Maxton in 1881.

Thomas, Charles Randolph.*

Charles R. Thomas, of Carteret, was a native of that county, born February 7, 1827. His parents were of Welsh and English extraction. His father, Marcus, was a wealthy ship owner and merchant, and his mother was Elizabeth Duncan. He received his education at Emory College in Virginia, at Caldwell Institute, and at the University of North Carolina, where he was graduated in 1849. He read law under Judge Richmond M. Pearson and William H. Battle and located in New Berne. After the Convention of 1861 he removed to Raleigh and was soon afterwards chosen principal clerk of the State Senate, but resigned upon being elected Secretary of State in 1864; and in 1866 he resigned this office to become a director of the Atlantic and North Carolina Railroad Company, and subsequently its president. In 1868, he was elected Judge of the Superior Court for the Third District, which office he resigned to become a member of the Forty-Second Congress in 1871. Judge Thomas was re-elected to Congress in 1873. After retiring from this body he practised his profession in New Bern. He opposed secession, favoring every honorable means to preserve the Union. He was a member of the Whig party until the death of Henry Clay and after the war a Republican, supporting that party until 1876, when he voted

*(Son) Charles R. Thomas, New Berne.

for the Democratic national and State candidates. He served the University as a trustee for many years. He was a member of the Presbyterian Church. He died in New Berne, February 18, 1891.

THOMAS, WILLIAM HOLLAND.*

The delegate from Jackson was born on Pigeon River in Haywood county February 1805. In January 1804 his father, Richard Thomas, a cousin of President Zachary Taylor, married Temperance Calvert, a descendant of a brother of Lord Baltimore, and soon afterwards came south to sell horses and settled on Pigeon River. While away on a business expedition he was drowned in Etowa River before the birth of his son. At the age of thirteen young Thomas became a clerk in the store of Felix Walker at Qualla Town, now the capital of the Cherokee settlement in Jackson county and at seventeen went into business with John B. Love on the site of the present town of Webster. He soon bought the interest of his partner and enlarged the business and in 1838 had five stores and a comfortable fortune. While he was clerking for Walker, an old Indian chief conceived a great love for him, and adopted him as his son. Thomas, in turn, became much attached to the tribe, devoting many years of his life to their material and moral advancement. From 1836 to 1848 he was almost continually in Washington, endeavoring to collect claims due the tribe by the government, and ultimately success crowned his efforts. From 1848 to 1862 he served as State Senator from Haywood, Macon and Cherokee. In 1861 he raised, equipped and commanded Thomas' Legion, composed of two companies of Cherokees and fourteen companies of white Infantry. He also raised four companies of cavalry, one of engineers and one of artillery. He had, before this time, been elected chief of the Indian tribe. He did not favor secession, but when it was decided upon, he threw his whole soul into the movement. His arduous labors in the cause of the Confederacy together with other troubles caused his

*Mrs. A. C. Avery, Morganton.

health to fail, and from 1867 until his death on May 12, 1893, he was but a wreck of his former self.

THOMPSON, ERVIN APPLEWHITE.*

E. A. Thompson, of Wayne, was born in Stony Creek Township, Wayne county, in 1827 His parents, William and Celia (Applewhite) Thompson, were both of English extraction. After being graduated at Randolph-Macon College, he studied law, and upon obtaining his license, settled in Goldsboro. He was Clerk and Master in Equity in 1852; member of the House of Commons 1855–'58; County Solicitor 1862. He was a Methodist. He was an ardent secessionist, believing that it would be peaceable and without bloodshed. He defeated Hon. W. T. Dortch as a delegate by six votes. He died in the Insane Asylum in Raleigh in 1882.

THORNTON, FRANCIS ALEXANDER.

F. A. Thornton, of Warren, was a native of Virginia. His mother was a sister of Nathaniel Macon. He attended the University of North Carolina in 1813. He was an extensive planter and a very large slave owner. He represented Warren county in the House of Commons in 1821, '22, '48 and 1850, and in the State Senate in 1866. He was a delegate to the convention which nominated Franklin Pierce for President. He was an ardent secessionist. He died on his farm near the Roanoke River in Warren county in July 1867 aged about seventy-five years.

TRACY, JAMES WRIGHT.†

Dr. J. W. Tracy, of Cleveland, son of Captain William and Mary (Reynolds) Tracy, was born in Spartanburg, S. C., on December 19, 1819. He was of French and Scotch ancestry, He was graduated in medicine from Transylvania University, Lexington, Kentucky. Dr. Tracy opposed secession until

*F. A. Daniels, Goldsboro.

†Dr. B. F. Dixon, King's Mountain.

Lincoln's call for troops. He served successively as assistant surgeon of the Thirty-Seventh North Carolina Regiment; chief surgeon of the Fourteenth North Carolina Regiment; as Surgeon of Ramseur's Brigade; as one of the surgeons at the Fair Ground Hospital in Raleigh. He was also a member of the State Board of Medical Examiners. Dr. Tracy's professional career extended over a period of fifty years. He was a member of the Methodist Episcopal Church South. His death occurred January 17, 1896.

TURNER, HECTOR.†

Dr. Hector Turner, of Moore, was born March 1816, in the isle of Jura, Scotland. His parents, Malcolm and Isabella (Currie) Turner, came to America in 1820 and settled on a plantation in Moore county. They had three sons: Daniel who died before reaching the prime of life; Hector, the subject of our sketch, and Alexander, a physician in Alabama. Hector received the larger part of his education at the Fayetteville High School, and in 1847 was graduated in medicine from the University of New York. Locating in his adopted county, he soon became associated with Dr. John Shaw, which connection was sustained for nearly twenty years. During the war, he served as surgeon of the Twentieth North Carolina Regiment, and later as brigade surgeon, remaining in the army until the surrender at Appomattox. He then returned to Carthage, dividing his attention between the practice of medicine and farming, but later removed to Cameron. In 1881, he was elected to the legislature and was returned at the subsequent term. In politics Dr. Turner was, previous to the war, a Whig and afterwards, a Democrat, and in religion he was a "true blue stocking Presbyterian." His long career as a practitioner, embracing a period of almost a half-century, was terminated by death, on September 21, 1896.

VENABLE, ABRAHAM WATKINS.†

A. W. Venable, of Granville, was born in Prince Edward

*A. A. Turner, Cameron; W. H. McNeill, Carthage.
†Wheeler's Reminiscences; Moore's History.

county, Virginia, October 17, 1799. His father was Samuel Venable and his mother a daughter of Judge Carrington, of Virginia. He was graduated at Hampden-Sidney College in 1816; spent the two years following in studying medicine, but then abandoned it to enter Princeton where he was graduated in 1819, after which he studied law. On receiving his license in 1821, he settled in Oxford. He was an elector on the Jackson ticket in 1832 and in 1836 on the Van Buren; a member of Congress from 1847–'53. On June 18, 1861, the Convention elected him to the Confederate Congress. At the expiration of his term he retired from public life and died in Oxford on February 24, 1876.

WALTON, ALFRED JOSEPH.*

A. J. Walton, of Gates, son of Timothy and Sarah (Gregory) Walton, was born in that county on September 24, 1819. His ancestors came from England. He attended LaGrange College (Alabama), but was not graduated. He was a farmer; an old line Whig and a strong secessionist after Lincoln called on the South for troops. He served as a justice of the peace; also as Chairman of the County Court for several years. He was a Methodist. He died March 27, 1874.

WARD, EDWARD WEST.†

Dr. E. W. Ward, of Onslow was born in New Berne, January 4, 1827. His parents were both natives of Onslow and of English extraction. He lived in Mississippi until he was seventeen years old, when he returned to North Carolina. He entered the State University in 1847, remaining one year, and then studied medicine in Philadelphia, receiving his diploma in 1850. Dr. Ward has held the office of magistrate; County Superintendent of Public Instruction; Chairman of the County Medical Board. After serving six months in the Convention, he resigned to enter the Confederate cavalry

*L. L. Smith, Gatesville.
†Self, Pollocksville.

service with the rank of captain, continuing to hold this office until Appomattox. In addition to his practice, Dr. Ward is engaged in farming. He believed that any state had a right to secede. He is a Missionary Baptist and a Democrat. He now lives in Pollocksville, Jones county.

WARREN, EDWARD JENNER.*

E. J. Warren, of Beaufort was born in Vermont, December 12, 1824; came to this state as a teacher and located at Washington where he read law. He was elected to the State Senate in 1862, '64 and '71, and during the last term was President of the body. He was appointed a Superior Court Judge by Governor Worth. He was a strong Whig. His death occurred December 10, 1876.

WASHINGTON, JOHN COBB.†

J. C. Washington, of Lenoir, son of John and Elizabeth Herritage (Cobb) Washington, was born in Kinston on December 24. 1801. His paternal ancestors were English and were related to George Washington. His maternal were Scotch and Dutch. He was a merchant and a farmer. He was a communicant of the Episcopal Church and was opposed to secession. He died at Black Mountain, January 12, 1887.

WHITFORD, JOHN DALTON.‡

John D. Whitford, of Craven was born in New Berne, August 17, 1825. His parents, Hardy and Mary J. (Clarke) Whitford were of English and Scotch-Irish ancestry respectively. President Taylor appointed Mr. Whitford, Collector of Customs at New Berne. After filling the office for three years, he resigned. In 1853–'54, he was Mayor of New Berne. He has always taken an active part in internal improvements, and

*Wheeler's Reminiscences; S. C. Bragaw, Washington.
†R. H. Lewis, Kinston.
‡Self, New Berne.

was, for a number of years, Director of the Neuse River Navigation Company whose intention was to make the Neuse navigable to Smithfield. In 1851, he was elected a Director of the Atlantic and North Carolina Rail Road Company, serving one year. On the organization, afterward, of the Atlantic and North Carolina Rail Road Company in 1854, he was elected president of the corporation and continued at its head until removed by military authority after the Civil War. He was also president during the administration of Jonathan Worth. He served in the transportation department of the Confederacy with rank of Major, and for a time as Ordinance Officer for the State. In 1865, the shipping house of Whitford, Dill & Co., was established. They were among the first to run a line of steamers from New Berne to New York after the war. From 1867–'71, he was financial agent of the Raleigh and Augusta Airline Railway Company and from 1885–'88 assistant engineer in charge of the government work on Contentnea Creek and Tar River. He was elected without opposition both to the Convention of 1861 and to that of 1865. He did not believe in the right of secession, but did believe in the right of a wronged people to rebel. He has written a number of articles on various subjects, some of which are: "Kinston Letters on Internal Improvements"; "Rambles about Town;" "A Few Hours at Poplar Mount." He is still living in New Berne.

Williams, Archibald Davis.*

A. D. Williams, of Franklin, was born nine miles northwest of the town of Halifax, January 7, 1821. He is the youngest of five children born to Robert W. and Harty (Hodge) Williams. In his infancy his parents removed to Franklin county. He is of Welsh-English extraction. He is a successful farmer and has held no public post except that of delegate to the Convention and tithe gatherer during the war. He is a Missionary Baptist. He was a Whig and

*Self, Franklin County.

was opposed to secession. He is now living in Franklin county.

WILLIAMSON, JAMES EDWARDS.*

James E. Williamson, of Caswell, was a native of that county, born September 19, 1799. In his fifteenth year, his parents, James and Annie (Edwards) Williamson, removed to Georgia, where he resided until he reached manhood. He then returned to his native State; studied medicine and began practising when twenty-six and continued to practise for forty years. He joined the Methodist Episcopal Church South in his youth and served it for a number of years as President of the Board of Trustees of Greensboro Female College, as a trustee of Trinity College and as a director of the Board of Domestic Missons. He was a conservative in politics and a staunch friend of the Union, deprecating secession to the last, but became a loyal Southerner as soon as North Carolina withdrew from the Union. He entered the Convention on June 10, 1861, as the successor of Col. J. A. Graves resigned. He died in his native county January 23, 1867.

WILSON, THOMAS JOHNSON.†

Thomas J. Wilson of Forsyth, was born December 31, 1831, in the southern part of Stokes county, which is now Forsyth. His paternal ancestors were Scotch and his maternal Quakers. He worked on a farm until eighteen. He was educated mainly in the neighborhood schools and at Clemsonville Academy. He studied law, obtaining his Superior Court license in 1840. In 1844 he was Solicitor for Stokes county and later for Forsyth and Davidson. He became Superior Court Judge in the Eighth District in 1874 and held office for six months when the Supreme Court declared his appointment unconstitutional. He was State Senator in 1876–'77, and has held no public office since. He is still living in Winston, but has been completely paralyzed for years.

*P. H. Williamson, Reidsville.

†Dowd's Reminiscences; Prominent Living North Carolinians; Wheeler's Reminiscences.

WINSLOW, WARREN.*

Warren Winslow, of Cumberland, was born in Fayetteville, on January 1, 1810; lived and died there August 17, 1862. His father was John Winslow, a prominent merchant of Fayetteville. He was an alumnus of the State University, being a member of the class of 1827, and a lawyer by profession. He was elected to the State Senate in 1854 and was chosen Speaker of that body. On December 4, 1854, when Governor Reid was elected United States Senator, Warren Winslow became Governor *ex officio*. He was a member of the House of Representatives three terms, 1855–61. He was appointed by the President of the United States as a special commissioner to Spain in regard to the "Black Warrior Affair." He was a Democrat and a secessionist. He was the author of several poems, one of them, "Moonlight on Lake Waccamaw" beiug especially worthy of note.

WOODFIN, NICHOLAS WASHINGTON.†

The delegate from Buncombe was Nicholas Washington Woodfin. His ancestors emigrated to this country from England and were in very destitute circumstances. He was the fourth of twelve children born to John and Mary (Grady) Woodfin. He was born in the part of Buncombe, now Henderson county, January 29, 1810. His parents were unable to give him more than a common old field school education. At twenty he studied law under Governor Swain and upon attaining his majority he obtained his license and settled in Asheville, where he soon built up a large practice. For ten years, (1844–'54), he represented his native county in the State Senate. He was also a very successful farmer and delivered a number of addresses before agricultural societies, one before the American Agricultural Society at Ithaca, N. Y. He was a vestryman of the Episcopal Church. He was a Whig, and as such was opposed to secession until, Lincoln called on the South for troops. He died in Asheville May 23, 1876.

*Judge Buxton, Fayetteville; Wheeler's and Moore's History.
†Miss Anna M. Woodfin, Asheville.

WOOTEN, RICHARD.*

Richard Wooten, of Columbus, was born March 14, 1798, in Lenoir county, and was the youngest son of Shade and Elizabeth Wooten. His father was an officer under Caswell and took a very active part in the Battle of Moore's Creek Bridge. His grandfather, Council Wooten, came from Wales and landed on Roanoke Island in 1686. His mother was of Puritan descent and from Massachusetts. Shade Wooten moved to Columbus county in 1805. Richard Wooten served in the war of 1812 as a courier. He was elected to the House of Commons in 1819 before he was twenty-one and was re-elected in 1820, '22, '24 and to the State Senate in 1846, '48 and '50. He believed in the right of secession, but did not advocate its exercise until Lincoln made his demand for troops. He was a member of the Missionary Baptist Church. His death occurred on Janury 20, 1870.

*E. C. Wooten, Prong.

NOTE: To the sketch of William Foy should be appended the following foot note: C. D. Foy, Maysville; Col. John D. Whitford, New Berne. To John Hill, Dr. L. H. Hill, Germanton.

OFFICERS OF THE CONVENTION.*

EDWARDS, WELDON NATHANIEL, PRESIDENT.†

STEELE, WALTER LEAK.‡

Walter L. Steele, Principal Secretary of the Convention of 1861, was a native of Richmond county, born at Steele's Mills, (now Little's Mills), on April 18, 1823. His parents were Thomas and Hannah (Pickett) Leak, both of English extraction. He was educated partly at Randolph-Macon, at Wake Forest College, and then at the University of North Carolina, where he was graduated in 1844. He was a member of the House of Commons in 1846–'48 and '50, and in 1854 and 1856, and of the State Senate in 1858. He was a delegate to the National Democratic Convention at Charleston and Baltimore in 1860. He was elected Secretary of the Convention of 1861 over James H. Moore, of Guilford, receiving ninety-six votes to nineteen for his opponent.§ He was appointed Democratic candidate for Presidential Elector in the Sixth District in 1872; was a member of the Forty-fifth Congress and also of the Forty-Sixth, and during the latter part of his life was President of the Pee Dee Manufacturing Company. He was by profession a lawyer. In politics he was a Democrat and in religion a Methodist. He died at John Hopkins Hospital, Baltimore, Maryland, on October 16, 1891.

EDWARDS, LEONIDAS COMPTON.||

L. C. Edwards, son of Isham and Margaret (Campbell) Ed-

*In the addition making one hundred aud forty-seven names, Mr. Syme is not included. This name makes a total of one hundred and forty-eight.

†For sketch see p. 33.

‡Geo. S. Steele, Rockingham.

§Journal of the Convention.

||Self, Oxford.

wards, was born in Person county on February 15, 1825. He was of extraction—English and Scotch-Irish. He was educated at Leasburg, Caswell county, and at the University of North Carolina, where he graduated in 1844. He chose law as his profession and, soon after obtaining his license, became attorney for the county of Person, which position he held until 1852. He was elected Assistant Secretary of the Convention, receiving fifty-eight votes against thirty-three, twelve and eleven respectively for Messrs. J. A. Fox and J. A. Edwards, and S. A. Williams. Previous to the war he was a Whig of the Henry Clay school and since the war he has been a Republican in national politics. He was Reading Clerk of the Senate in 1868–'69 and State Senator from Granville in 1870–'71. Mr. Edwards has always believed that it was wrong for a State to secede. He is now and has been for many years a practicing attorney at Oxford.

PAGE, JAMES.*

James Page, Principal Doorkeeper of the Convention of 1861, was born in Randolph county on June 6, 1806. His father was Benjamin F. Page who married Sallie Boling, both of whom were natives of Virginia and of Scotch-Irish descent. When about twenty-five years of age, he was elected Doorkeeper of the State Senate and served almost continuously in this capacity until elected Doorkeeper of the Convention. In 1862, he was elected Doorkeeper of the Confederate Senate in Richmond and served there until the close of the war. He also served on a like position once or twice in the State Senate after the war. In politics, he was an old time Whig, but later became a Democrat. He was a communicant of the Methodist Episcopal Church, South. At the time of his death, March 6, 1876, he was proprietor of a hotel in Asheboro.

LOVILL, WILLIAM REDFORD.†

The Assistant Doorkeeper of the Convention was William

*James G. Steed, Steeds.

†Edward F. Lovill, Boone.

Redford Lovill who was born in Surry county, April 15, 1813, and is still living in Vernon county, Missouri. William Lovill, whose wife was Sarah Poindexter was his father. Wm. R. Lovill's paternal grandfather emigrated from Cornwall, England, to Surry county about 1760, and served in the Revolutionary war and in the House of Commons two times. Wm. R. Lovill served a number of times as doorkeeper of one or the other houses of the legislature before the war. He was a Whig before the war, and at first was opposed to secession, but after Lincoln called for troops favored secession and armed resistance. He is a member of the Methodist Episcopal Church, South.

Syme, John William.*

Printer to the Convention of 1861, was John William Syme, only child of Rev. Andrew and Jean Matherson (Cameron) Syme, born in Petersburg, Virginia, January 9, 1811. Andrew Syme was a native of Lanarkshire, Scotland, and his wife was the second daughter of Rev. John Cameron, one of the earliest ministers of the Episcopal Church in Colonial Virginia. The preparatory training of John W. Syme was received at Partridge's Military School in Middletown, Connecticut and from there, he went to William and Mary College where he was graduated. After studying law under his kinsman, Judge Fredrick Nash, at Hillsborough, he began the practice in Petersburg, but soon embarked in the more congenial occupation of editing a newspaper. His paper, "The Petersburg Intelligencer," was for many years a leading Whig organ. He served for several terms in the Virginia legislature. A number of Whigs persuaded him to remove to North Carolina, and assume the editorship of "The Raleigh Register," which position he accepted in 1856. Mr. Syme opposed secession until North Carolina seceded when he strongly strongly supported the Southern cause. In 1864 he returned to Petersburg and began the publication of "The Petersburg Register," but the life of this paper was of short duration, as the city was then in a state of siege. His death occurred in Petersburg on November 26, 1865.

*W. L. Anderson, Raleigh.

ROLL OF DELEGATES BY COUNTIES.

Alamance—Thomas Ruffin, Giles Mebane.
Alexander—A. C. Stewart, A. M. Bogle.
Ashe and Alleghany—J. E. Foster.
Anson—Albert Myers, J. A. Leak.
Beaufort—W. J. Ellison, E. J. Warren, R. S. Donnell.
Bertie—S. B. Spruill, James Bond.
Bladen—Thomas D. McDowell, Neill Kelly.
Brunswick—T. D. Meares.
Buncombe—N. W. Woodfin.
Burke—J. C. McDowell.
Cabarrus—Caleb—Phifer.
Caldwell—E. W. Jones.
Camden—D. D. Ferebee.
Carteret—Chas. R. Thomas.
Caswell—Bedford Brown, J. A. Graves, Jas. E. Williamson.
Catawba—P. C. Henkel, George Sitzer.
Chatham—John Manning, J. H. Headen.
Chowan—R. Dillard.
Cherokee—A. T. Davidson, J. H. Bryson.
Cleveland—W. J. T. Miller, J. W. Tracy.
Columbus—Richard Wooten.
Craven—George Green, J. D. Whitford.
Cumberland—David McNeill, Warren Winslow, M. J. McDuffie.
Currituck—H. M. Shaw, J B. Jones, D. McD. Lindsay.
Davidson—B. C. Douthitt, B. A. Kittrell.
Davie—Robert Sprouse.
Duplin—W. J. Houston, James Dickson, J. T. Rhodes.
Edgecombe—W. S. Battle, George Howard.
Forsyth—R. L. Patterson, T. J. Wilson, D. H. Starbuck.
Gaston—S. X. Johnston.
Franklin—A. D. Williams.
Gates—A. J. Walton.

Granville—T. L. Hargrove, S. S. Royster, A. W. Venable. T. B. Lyon.
Greene—W. A. Darden.
Guilford—R. P. Dick, J. A. Gilmer, Ralph Gorrell.
Halifax—R. H. Smith, C. J. Gee, L. W. Batchelor.
Harnett—A. S. McNeill.
Haywood—William Hicks.
Henderson—W. M. Shipp.
Hertford—Kenneth Rayner.
Hyde—E. N. Mann.
Iredell—Anderson Mitchell, T. A. Allison.
Jackson—W. H. Thomas.
Johnston—C. B. Sanders. Wm. A. Smith.
Jones—William Foy.
Lenoir—J. C. Washington.
Lincoln—William Lander, David Schenck.
Macon—C. D. Smith.
Madison—J. A. McDowell.
Martin—Asa Biggs, D. W. Bagley.
Mecklenburg—William Johnston, J. W. Osborne, P. C. Caldwell.
Montgomery—S. H. Christian.
Moore—Hector Turner.
Nash—A. H. Arrington, L. N. B. Battle.
New Hanover—Wm. S. Ashe, R. H. Cowan, Robert Strange, J. L. Holmes.
Northampton—D. A. Barnes, J. M. Moody.
Onslow—E. W. Ward, A. J. Murrill.
Orange—W. A. Graham, John Berry.
Pasquotank—R. K. Speed.
Perquimans—J. S. Cannon.
Person—J. W. Cunningham.
Pitt—Bryan Grimes, F, B. Saterthwaite. P. A. Atkinson.
Randolph—W. J. Long, A. G. Foster.
Richmond—W. F. Leak.
Robeson—J. C. Fuller, J. C. Sutherland.
Rockingham—D. S. Reid, E. T. Brodnax.

Rowan—Burton Craige, H. C. Jones, R. A. Caldwell.
Rutherford—J, H. Carson, Micajah Durham, G. W. Michal.
Sampson—Thomas Bunting, R. A. Moseley.
Stanly—Eben Hearne.
Stokes—John Hill, A. H. Joyce.
Surry—T. V. Hamlin.
Tyrrell—Eli Spruill.
Union—H. M. Houston.
Wake—G. E. Badger, K. P. Battle, W. W. Holden.
Warren—Weldon N. Edwards, F. A. Thornton.
Washington—Wm. S. Pettigrew.
Watauga—J. W. Councill.
Wayne—Geo. V. Strong, E. A. Thompson.
Wilkes—James Galloway, Peter Eller.
Yadkin—R. F. Armfield.
Yancey—M. P. Penland.

THE LEGISLATION OF THE CONVENTION OF 1861.

BY KEMP P. BATTLE, LL.D., A DELEGATE FROM WAKE COUNTY.

As Mr. McCormick, with creditable perseverance and accuracy, has given sketches of the officers and delegates to the Convention of the State, which met on the 20th of May, 1861, with powers unrestricted, but with implied instructions to attempt to separate from the Federal Union, an act equivalent to a declaration of war, I deem it proper to chronicle the leading measures passed or rejected by that body.

ITS SESSIONS.

The Convention held four sessions.

The first began on May 20th and ended June 28th, 1861.

The second began November 18th and ended December 13th, 1861.

The third began January 20th and ended February 26th, 1862.

The fourth began April 21st and ended May 13th, 1862.

The Convention passed a resolution* on April 30th 1862, to adjourn on the 12th of May following, subject to the call of President Edwards, and in case of his death, of Messrs. Graham, Howard, Badger, Smith of Halifax, and Rayner, or a majority of them, at any time previous to November 1st, 1862, and that if not called together before that time, it should stand adjourned *sine die*. As it was not convened again, the final dissolution of the body was on November 1st, 1862.

A similar resolution was adopted June 26th, 1861, fixing the date of reassembling on the third Monday of November of that year, unless sooner convened by the President, or in case

* Journal of Convention, Fourth Session, p. 32.

of his death, by any three of the following: Messrs. Ruffin, Graham, Brown, Osborne, Biggs.

A similar resolution was adopted in regard to the third session.

RULES OF ORDER.

These were reported by a committee,* through ex-Governor Reid, Chairman. A few observations concerning them will suffice.

The order of motions† adopted varied from that of many other bodies. It was to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit, to amend. The motion for the previous question, which is in some manuals, was omitted. Some manuals also have the motion to postpone indefinitely at the end of the list.

Each motion, as usual, had preference before all below it. The first and second were not debatable. "Motion to adjourn is always in order." was one of the rules, yet in practice, notwithstanding the word "always," some business was required to intervene between two such motions.

The president was expressly allowed to cast only one vote, and, if a tie resulted, the question was lost.

Jefferson's Manual was prescribed as authority on points not covered by the rules.

Any member could call for a count by rising and sitting, or by tellers. It took one fifth of those present to call for the yeas and nays, whereas by the old Constitution two could do it in either branch of the General Assembly.

I give some rulings in special cases.

As soon as the president and principal secretary were elected,‡ Mr. Badger offered his "Ordinance of Revolution." Objection was made that he was premature, that the sergeant at arms and other officers had not been chosen. "I am in order," said he. "The Convention is organized. As soon as

* Convention Journal, p. 19.
† Convention Journal, p. 19.
‡ Convention Journal; p. 6.

a body has a head to direct and a hand to record, it is organized." He was sustained and Craige's Ordinance of Secession was offered and adopted as a substitute, the vote being taken after the election of the remaining officers.

On another occasion* Mr. Badger contended that when the ayes and noes had not been called and recorded, any member, whether he voted with the majority or not, could make a motion to reconsider. "We must go by the journal," said he, "and that does not show any minority vote. When the ayes and noes are not called all are presumed to vote with the majority." His position was accepted as correct.

Mr. Badger was considered the best authority on parliamentary law, and I think ex-Governor Graham next. It was on Mr. Badger's motion * that a number of rules were added to those reported by ex-Governor Reid. Among them was one that every resolution and every report of a committee should lie over one day for consideration.

The President was a good officer and his decisions were only twice overruled by the House, the points against him being taken by Mr. Badger. In the first instance† the Convention decided, that a motion to rescind a resolution to adjourn, of which motion notice had been given the preceding day, was not bound to lie over for another day. In the second instance the decision that a motion to rescind a resolution of adjournment did not require three readings. It is fair to state that the President and his peculiar friends were desirous of adjourning on the day first agreed on and this wish may have biased his judgment. The vote on the first appeal was 35 to 45; on the second 39 to 43, and on the question of rescinding the adjournment resolution, 50 to 38.

COMMITTEES FROM TIME TO TIME.

The following is a list of the Chairmen of Committees. The President in the constitution of the committees, as a

* The authority for this is my recollection.

†Convention Journal, 1st Session, p. 174.

rule, gave the first place, as well as the majority of the members, to the Original Secessionists, or those who acted with them.

Burton Craige, and after his resignation, Ex-Chief Justice, Thomas Ruffin, on the Address to the People showing the propriety of the Ordinance of Secession. I think this committee never reported.

George Howard, on Military Affairs.

Kenneth Rayner, on Finance.

N. W. Woodfin, on the Supply of Salt.

Asa Biggs, on Test Oaths.

Wm. A. Graham, on the Legislative Department.

George Howard, on the Executive Department.

Thomas Ruffin, ex-Chief Justice, on the Judicial Department.

James W. Osborne, on the Modes of Amending the Constitution.

David Schenck, on the Stay Law.

Wm. S. Pettigrew, on the Rights of Foreigners, Schools, &c.

F. B. Satterthwaite, on Army Contracts.

F. B. Satterthwaite, on the Assumption of the Confederate Tax.

Thomas Ruffin, ex-Chief Justice, on Taxation, Revenue, &c.

John Manning, on the Coal Field Connection.

Kenneth Rayner, on the Political Status of Citizens of the State who Hold Office under the United States. Also on a Constitutional Amendment in regard to calling the ayes and noes.

Wm. J. Ellison, on the Bill of Rights.

George V. Strong, on Lands in Haywood County belonging to Alien Enemies.

R. F. Armfield, on Distilleries.

Archibald D. Williams, on the Propriety of Enslaving Free Negroes. This committee did not report.

George Howard, on Annual Elections and Sessions of the General Assembly.

R. F. Armfield, on the 31st Section of the Constitution, in

relation to clergymen being members of the General Assembly.

Wm. H. Thomas, of Jackson, on the Basis of Representation, on Justices of the Peace, and on Public Schools.

W. J. Headen, on Property Qualifications for Office.

THE ORDINANCE OF SECESSION AND THE ADOPTION OF THE CONFEDERATE CONSTITUTIONS.

As stated by Mr. McCormick the Secession Ordinance was passed and ratified on the 20th of May, 1861.* On the next day all the 120 delegates publicly signed the same, the Convention ordering it to be deposited in the office of the Secretary of State.

The Provisional Constitution† of the Confederate States was adopted on the 20th of May, but, strangely, was not ratified until the 20th of June. The motion‡ to refer it to a vote of the people failed 72 to 34.

The Ordinance§ adopting the Permanent Constitution of the Confederate States, passed on the 6th of June and was ratified June 19th, 1861. The motion, by ex-Governor Graham, to add a proviso, that full provision should be made for the representation of North Carolina in proportion to population, in presidential and congressional elections, was negatived, 39 to 79. The motion to restrict speeches on the adoption of the Constitution, failed by 60 to 50. The motion to refer the Constitution to a vote of the people was negatived, 38 to 75. A motion to give the State the right to secede, whenever in her opinion the powers conferred on the Confederate States should be perverted to the injury of her people, received 26 votes for, to 88 against it. The vote for the Constitution on its adoption** was 117 to 0. The three absent members favored it.

*Convention Journal, 1st Session, p. 26.

†Convention Ordinances, p. 30.

‡Convention Journal, 1st Session, p. 17.

§Convention Journal, pp. 69-73.

**Convention Ordinances, p. 28.

It was evident that those who favored restricting debate, and, on the other preliminary questions, voted in the negative, desired to show their confidence in the Confederate Government by immediate and unconditional ratification. After this was accomplished, they favored the passage of the Ashe resolution.

The Ashe resolution clearly claimed the right of secession for cause deemed adequate by a state in convention assembled, and that the powers conferred emanated from the people of the state in its sovereign capacity. The motion to suspend the rules for its consideration failed, 49 to 53.* Subsequently the motion to lay it on the table received a tie vote 55 to 55, and therefore failed. A special order coming on displaced the resolution and it was not called up again. The bulk of the opposition to its passage came from the "Old Union" men.

CONSTITUTIONAL AMENDMENTS.

Ordinance to define† and punish treason against the State. Its terms are identical with those in the Federal Constitution.

The question of the taxation‡ of slaves according to their value, instead of by a per capita tax only on those between the ages of 12 and 50, which was the chief issue in the state political campaign of 1860, was settled by a constitutional amendment requiring that land and slaves should be taxed according to their value, and that the capitation tax on free males between 21 and 45 years of age should be the same as that on $300 worth of those properties.

As Jews§ volunteered in the army and subscribed money for the war with as much alacrity as Christians, the clause of the Constitution debarring them from office, was changed to debar only those denying "the divine authority of both the Old and New Testaments."

*Convention Journal, First Session, p. 74.
†Convention Ordinances, p. 7.
‡Convention Ordinances, p. 32.
§Convention Ordinances, p. 56.

Another constitutional change* required one fifth of the members present in the Senate and House of Representatives, to call the ayes and noes.

The provision† to prohibit United States' officers from holding office in North Carolina was changed so as to apply the prohibition to Confederate States' officers.

The additional qualification‡ of six months residence in the Senatorial district, was required of voters for Senators. The amendment of 1857 required residence for twelve months in the State only.

The Convention§ conferred on North Carolina officers and soldiers, in or out of the State, the right to vote for representatives in Congress, Presidential electors and state and county officers. Three freeholders of each company, under direction of the commander of the regiment, held the election and certified the returns.

The Ordinance** allowing citizens, entitled to vote for Governor in the county of their domicile, to vote in any county in the State, was made permanent during the continuance of the war, and was therefore virtually a part of the Constitution.

It was voted by 93 to 18 that a seat in the Confederate Congress was incompatible with a seat in the Convention, and all the delegates elected to the Provisional Congress promptly sent in their resignations.

Near the close of the Fourth Session, in May 1862, the Convention designated the following ordinances as being permanent and irrepealable.††

I. The Ordinance to dissolve the Union.

II. The Ordinance defining treason against the State.

III. The Ordinance ratifying the Provisional Constitution of the Confederate States.

*Convention Ordinances, p. 56.
†Convention Ordinances, p. 29.
‡Convention Ordinances, p. 158.
§Convention Ordinances, p. 40.
**Convention Ordinances, p. 165.
††Convention Ordinances, p. 147. (174)

IV. The Ordinance ratifying the Constitution of the Confederate States.

V. The Ordinance to amend the 4th Section of the 4th Article of the Amendments to the Constitution of the State. (Substituting Confederate for United States.)

VI. The Ordinance in relation to Taxation. (Taxing slaves as property.)

VII. The Ordinance securing to certain officers and soldiers the right to vote.

VIII. The Ordinance in relation to taking the yeas and nays in the General Assembly.

IX. The Ordinance to amend the 2nd Section of the 4th Article of the Amendment to the Constitution. (Allowing Jews to hold office.)

X. The Ordinance in relation to Electors of the Senate. (Requiring six months residence in the district.)

XI. The Ordinance concerning the election of Governor. (Requiring election on 1st Thursday in August, 1863.)

XII. The Ordinance to allow certain persons (refugees) to vote for Governor in any other county than that in which they reside.

The Convention claimed and exercised* authority over the General Assembly by changing the date of their adjourned session from June 25th to August 15th, 1861, as well as by repealing or modifying some of their acts. By expressly giving that body the power to repeal or modify certain ordinances, it seems to have been claimed, that without such authority they would be irrepealable. Most lawyers, however, seemed to hold that an ordinance, in the nature of legislation, not made a part of the Constitution, would have no more sanctity than an act of Assembly.

The construction‡ had been placed on the State Constitution that Governor Henry T. Clark, the successor, as Speaker of the Senate, of Governor Ellis, deceased, could hold the executive office only while he continued to be such Speaker,

*Ordinances of Convention, p. 7.

‡Convention Ordinances, p. 141.

that is, until the election day, the first Thursday in August, 1862. As the Governor then elected would not be inaugurated until the 1st day of January, 1863, there would be an interregnum. To prevent this the Convention required the term of the new Governor to begin on the second Monday in September 1862, and Governor Clark to continue in his office until that day. Colonel Z. B. Vance was elected over Col. Wm. Johnston.

TROOPS, &C., FOR THE CONFEDERACY.

Early in June, 1861, in secret session, ex-Chief Justice Ruffin and ex-Governor Graham were appointed a committee to confer with President Davis in relation to the transfer of the military and naval forces of North Carolina to the Confederacy. * President Davis announced that, in accordance with his construction of an act of the Provisional Congress, in accepting such transfer, the Confederate Government would appoint all paymasters, quartermasters, commissaries and surgeons, as well as generals of brigades and divisions. Moreover, he stated that for the future he would make requisition on the States by companies and issue commissions to their officers, where the requisite number of men should be furnished. The committee deemed it proper to declare their opinion that both these measures were unconstitutional, the States having the right to appoint all officers, but the convention took no official notice of their protest.

The ordinance† of transfer was ratified on the 27th of June, 1861. The ten regiments of "State troops," enlisted for the war, were ordered to be turned over by regiments, and recruiting for them to cease August 20th following. The same disposition was to be made of naval forces and vessels, the vessels not accepted to be sold.

President Davis, having intimated that he would accept two thousand volunteers for twelve months in addition to the four twelve months regiments then in the Confederate service, the

* Convention Documents.

† Convention Ordinances, p. 37.

same were directed to be turned over to the Confederacy together with such others as the President, on a second tender, might be willing to accept, and all others were discharged on the 20th August.

The Military Board was abolished on the same date, but the Military Secretary was continued until September 20th for settlement of military accounts.

On the 14th of February, * 1862, in order to meet the requisitions of the Confederate Government then and thereafter to be made, the duty was imposed upon the Governor to call for volunteers for not exceeding three years, to be discharged sooner if the war should not continue so long. He was instructed also to call upon the counties to furnish their quotas by volunteering.

The Governor was further required to call upon the captains of twelve months volunteer companies to make known to them that it was the earnest desire of the Convention and of the people of North Carolina that they should enlist for three years or the war, and to put the question to each man individually as to whether he would enlist, and then to take his written agreement in case of consent.

All volunteer companies re-enlisting could retain their existing organizations, or reorganize at their option, electing new officers. The Governor was also authorized to appoint captains and lieutenants to recruit men for three years or the war, provided that a captain must secure forty privates, a first lieutenant twenty-five, and a second lieutenant fifteen privates.

Future vacancies† in company offices were to be filled by promotion of those next in grade.

As a further inducement a bounty of $50 was offered to all non-commissioned officers, musicians and privates for enlistments for the term mentioned.

Also the Confederate Congress‡ was recommended to offer

* Convention Ordinances, pp. 116-118.
†Convention Ordinances, p. 113.
‡Convention Ordinances, p. 127.

inducements. by bounties and pensions, by keeping the companies together and allowing the men to elect their officers, to the one year volunteers in order to persuade them to reenlist.

Afterwards* on May 12th of the same year, the $50 bounty was more specifically decided to be paid, to all volunteers between eighteen and thirty-five for three years or the war, including those accepted by the Confederacy and credited to North Carolina, to all volunteers of the same ages for less than three years or the war, who may continue in service by virtue of the Conscription Act; to all persons, substitutes excepted, mustered into companies already organized under the said act; to all volunteers over thirty-five, and under eighteen declining to be discharged as allowed by said act, and all who volunteered after February 19th 1862.

The lands on which† were situate forts, light-houses, beacons, marine hospitals, the mint in Charlotte and arsenal in Fayetteville, were vested in the Confederate States on the same terms as they were held by the United States.

The Confederate Congress‡ was by resolution requested to reopen the mints of the South. This request was never complied with.

The State Librarian§ was ordered to transmit a set of the North Carolina Supreme Court Reports to the Department of Justice of the Confederacy.

On the 6th of December 1861,** on motion of an old Union man, Mr. Hamilton C. Jones, the Convention reiterated its confidence in the justice of the Confederate cause, declaring that all sacrifices should be made for independence, and describing in lurid terms "the cruel and barbarous manner in which our enemies have carried on the war" * * "in which robbery and arson are principal means of aggression".

*Convention Ordinances, p. 163.
†Convention Ordinances, p. 36.
‡Convention Ordinances, p. 108.
§Convention Ordinances, p. 49.
**Convention Ordinances, p. 51.

"Our separation is final." Full confidence in President Davis was expressed as well as gratitude to our soldiers.

STATE MILITARY MEASURES.

Governor Ellis, on May 27th, 1861, reported that there were 10,717 volunteers already accepted. The 10,000 State troops, enlisted for the war, had not been entirely raised. He estimated that, including these latter, 15,350 troops will be needed for State defence to cost $6,625,000 per annum, but it is certain that the Confederate States will accept and pay one regiment of cavalry, one of artillery and twelve regiments of infantry, leaving for this State $3,120,968.

From the arsenal at Fayetteville had been obtained 33,314 of best muskets and 3,686 Mississippi rifles, of which were sent to Virginia 9,500. There were also one field battery, 6 bronze cannon, and 2 iron 6-pounder field guns.

There had been purchased of J. R. Anderson & Co., (Tredegar Iron Works), of Richmond, Va., 9 cannon of different sizes. Fort Caswell had 24 guns, (cannon) ordered and 20 more 32-pounders on the way, and 500 troops.

Fort Johnston had 280 troops and 6 cannon. Bolle's Battery, at Confederate Point, had 60 troops and 3 cannon. Radcliffe Battery, 60 troops with 2 cannon and 150 more troops at Wilmington. Fort Point below New Berne had 46 cannon, troops not mentioned. Ocracoke had 1 cannon in position, with 14 on the way, one a long 68-pounder. Hatteras had 16 cannon, with 4 long 68-pounders on the way. Fort Macon, 4 Columbiads reported, a number of 32's and 64's not reported, "but the position fully armed."

Of the officers of the army of the United States there were thirty-five appointed from North Carolina, of whom thirty-one were natives. Fourteen had tendered their services to the State. These were Major Theo. H. Holmes, Captains R. C. Gatling, R. C. Campbell, Robert Ransom. First Lieutenants, George B. Anderson, W. D. Pender, R. H. Riddick. Second-Lieutenants, Jos. P. Jones, Sol. Williams, Alexander McRae, Lawrence S. Baker, Gabriel H. Hill, S. D. Ramseur,

R. C. Hill. Besides these Captain John H. Winder, of Maryland, Major James A. Bradford, of Tennessee, and Second Lieutenant W. G. Robison, born in Canada, but appointed from North Carolina, had also tendered their services.

Of the cadets of the United States Military Academy at West Point the following had resigned and tendered their services. Alexander D. Moore, James E. Craige, George S. Lovejoy, Oliver C. Petway, Paul F. Faison, George W. Clayton, Robert B. Cowan. John W. Lea.

Of those in the Naval Academy at Annapolis, Wm. F. Moore, Thomas S. Galloway, ——— Fisk.

The following officers of the navy of the United States resigned and tendered their services: Commanders John Manning and Wm. T. Muse, Lieutenants John T. Cook, W. E. Boudinot, John N. Maffit, Peter U. Murphy, Paymaster John Johnson; Professor of Mathematics A. W. Lawrence; Lieutenant of Marines, W W. Kirkland, and Master ——— Kerr, Third Lieutenant in Revenue Service M. W. Brown.

Steamers Ellis and Albemarle were purchased and steamer Kehukee chartered by the State.*

In June, 1861,† the Governor was authorized to accept a half regiment, or battalion, of cavalry for the war, in addition to the regiment already raised.

Also recruits‡ were authorized to be raised for the 1st Regiment of Volunteers, which regiment was authorized to inscribe "Bethel" on its colors.§

The Governor was empowered,** in his discretion, to transfer to Col. Wharton J. Green's Independent Regiment of Volunteers, certain companies, provided that no person should be so transferred without his written consent.

On the 12th of December, 1862,†† the Governor was authorized to receive a twelve months Battalion of Infantry, from

*Convention Documents.

†Convention Ordinances, p. 30.

‡Convention Ordinances, p. 31.

§Convention Ordinances, p. 6.

**Convention Ordinances, p. 50 and 55.

††Convention Ordinances, p. 74.

volunteers, who had belonged to the LaFayette Light Infantry, and the Independent Light Infantry, of Fayetteville, which companies had belonged to the First, or Bethel, Regiment, with the right to be enlarged to a regiment, and to elect its own officers, but the battalion or regiment was to be transferred to the Confederate Government as soon as practicable.

On the 21st of January, 1862,* in anticipation of the expected advance of the Federals, the Governor was authorized to order out such portions of the militia as he might deem necessary to repel the invasion of the State. Shortly before that date† the Convention ordained that the militia should not be required to assemble for drill and muster more than once in each month, except for battalion or regimental muster.

The militia,‡ while in service, were to receive the same pay as volunteers.

The Governor,§ in February, 1862 was authorized to raise three companies of artillery for the defence of Wilmington.

The State Quartermasters and Commissaries** were ordered to provide for North Carolina Volunteers, necessarily detained at rail-road stations.

Five thousand copies†† of the Confederate States Army Regulations were ordered to be printed for the use of the troops of this State.

A State Flag‡‡ was adopted; a red field with a white star in the centre; above the star, "May 20th, 1775" and below it "May 20th, 1861." There were two bars of equal width, the upper blue, the lower, white.

Wm. R. Lovell§§ was paid $82 for advances by him for the use of sick soldiers at Manassas.

*Ordinances of Convention, p. 79.
†Ordinances of Convention, p. 68.
‡Ordinances of Convention, p. 33.
§Ordinances of Convention, p. 114.
**Convention Ordinances, p. 116.
††Convention Ordinances, p. 8.
‡‡Convention Ordinances, p. 32.
§§Convention Ordinances, p. 121.

Rev. F. V. Hoskins* was allowed $100 for two months services as Chaplain to the 7th Regiment of North Carolina Volunteers, while prisoners of war in 1861. And Rev. Morris H. Vaughan† the same amount for like service of two months at Roanoke Station in the same year.

FINANCIAL LEGISLATION.

The following legislation* shows the estimated expenditures submitted to the Convention in May, 1861. It certainly quickened the desire of the Convention for turning over troops to the Confederacy.

In the Field.

One regiment of artillery,		$ 267,290
One regiment of cavalry,		352,548
Eight regiments of infantry at $240,348,		1,922,184
Four volunteer regiments of infantry,		961,342
		3,504,084

For the Reserve.

One regiment of cavalry,		352,546
Five regiments of infantry,		1,201,740
Total reserve.		1,554,288
Aggregate expense of the fourteen regiments in the field and six regiments in reserve,		5,058,702
Clothing 15,350 men at $30 each,		460,500
Accoutrements $5 each,		76,750
Horses 1191 at $150 each,	$188,650	
Value at end of two years, two-thirds,	119.100	59,550
Fixed ammunition,		427,126
Bounty and contingencies,		427,126
Twenty chaplains, $1800 each,		36,000
Sixty surgeons and assistant surgeons,		91,200

*Convention Ordiuances, p. 145.
†Convention Ordinances, p. 143.

General staff, including commissary's quartermaster's, paymaster's and commander-in-chief's-staff,	53,916
Add estimate for tents, transportation and contingencies, makes a total,	6,500,000
Add estimates for naval expenditures,	125,000
And the grand total was	6,625,000

Assuming that the Confederate Government would assume the pay and subsistence of the fourteen regiments in actual service, the expense to the state was estimated at $3,120,986

In February, 1862, the Committee of Finance, through Rayner, Chairman, reported the actual monthly expenses, as follows: I omit cents.

Disbursements for military purposes.		Disbursements for other purposes.	
April, 1861,	$ 6,295	April, 1861,	$ 29,316
May, "	296,001	May, "	64,200
June, "	447,309	June, "	286,240
July, "	525,436	July, "	69,939
Aug., "	392,944	Aug., "	46,897
Sep., "	501,025	Sep., "	48,687
Oct., "	590,173	Oct., "	75,958
Nov., "	406,184	Nov., "	68,293
Dec., "	385,736	Dec., "	44,878
Jan., 1862,	425,856	Jan., 1862,	189,293
Total,	$3,976,934	Total,	$923,707

The Committee state further that there was a very large amount of outstanding claims, not yet audited. The bounty of $50 to each of 38,000 troops would alone amount to $1,900,000. They estimated that the expenditures for the rest of the year would probably be greater than for the past year, owing to the preparations on an enlarged scale for the defense of the State and for a more vigorous prosecution of the war.

The Committee did not state what portion of the foregoing expenses would be repaid by the Confederate Government.

*Convention Documents.

The Convention* showed extreme anxiety for protection of the eastern section. The consideration of the Permanent Confederate Constitution was postponed for many days in order to discuss the the ways and means. An Ordinance was ratified on the 28th of June, 1861, for the purpose of providing adequate means. It is a fair sample of the financial legislation of the war.

$3,200,000 was appropriated to meet the demands of the Treasury for two years. This sum was to be raised as follows: $200,000 by issuing notes, payable on January 1, 1866, to bearer, designed to circulate as money, viz, $40,000 ten cent, $60,000 twenty five cent, and $100,000 fifty cent notes.

The public Treasurer to borrow from the banks, or private individuals, not over $3,000,000, including what had been loaned by the banks under Act, ratified April 11th, 1861. This act was repealed.

To enable the Treasurer to borrow this money he was authorized to issue six per cent twelve months bonds. If he could not pay the same at maturity he was empowered to renew on terms deemed by him best, or negotiate new loans at his discretion.

The banks, who should lend such part of the three million dollars as was proportionate to their capital, were authorized to issue $1, $2 and $2½ bills, equal to five per cent of their capital stock paid in, and were relieved of the obligation to pay specie on any of their circulating notes during the continuance of the loan.

Falsely counterfeiting, or passing, state treasury notes was to be punished by standing one hour in the pillory, and receiving thirty nine lashes on bare back, and being imprisoned not less than three years, all or any such punishments at the discretion of the court.

On the 1st of December,† 1871, the Convention, in order to meet the demands on the treasury up to January 1st, 1863,

*Convention Ordinances, p. 42.

†Convention Ordinances, p. 57.

authorized the issue of three millions of dollars of circulating notes payable to bearer, on or before January 1st, 1865, to bear six per cent. interest. They were receivable for taxes and other state dues and exchangeable for six per cent. thirty years coupon bonds, at the option of the holder. The denominations were as follows:

$5	notes,	$400,000.
10	"	400,000.
20	"	400,000.
50	"	800,000.
100	"	500,000.
200	"	500,000.

If any of these should be paid into the treasury they were to be cancelled but other notes were to be issued in their place.

There were to be the same penalties for counterfeiting and passing these as in the case of the first issue.

On the 25th of January, 1862,* the provision for interest was stricken out, and the amounts of the several denominations changed, so that one half of the whole was to be of $5s, one fourth $10s and one fourth $20s, the object of course being to make them acceptable as a circulating medium. The result, however, was that long before the war closed these notes were largely hoarded, as being of superior value to Confederate notes.

The ordinance in June, 1861, at first met with some criticism as being against the Provisional Constitution, but as it was passed after the ratification of the Permanent Constitution, which contained no prohibition against the issue of bills of credit, the objection did not hold.

There was excited discussion about removing the interest bearing feature from the issues of December. Mr. Woodfin championed the affirmative. He was aided by Mr. Thompson, of Wayne and others. The chief argument was that the payment of interest caused the notes to be hoarded, and

*Convention Ordinances, p. 79.

where this was not done, their free circulation was impeded by the difficulty of circulation among plain people. Messrs. Ruffin, Graham and others opposed the change. It prevailed by 78 to 13.

On the 6th of December, 1861,* Col. Dennis D. Ferebee was sent as a commissioner to arrange with the Confederate Government for the payment by the State of the Confederate tax of fifty cents on each $100 worth of property.

On the 17th of February, 1862,† the Convention assumed the payment of the Confederate tax. Treasury notes, bearing seven per cent interest, convertible into seven per cent coupon bonds, were to be issued for raising the amount due. A special tax was levied on the subjects taxed by the Confederacy.

On the 26th of February, 1862,‡ the notes issued already were authorized to be funded in eight per cent. coupon bonds, also to be receivable for taxes and other public dues. When received into the treasury they could be paid out again. $2,500,000 additional notes were ordered to be issued, of which $1,000,000 was to be of the denominations of $2, $1, fifty cents, twenty-five cents and ten cents. It was made unlawful for sheriffs and tax-collectors to receive the notes of banks refusing to take in and pay out State treasury notes.

Shortly before the final adjourment further provision was made for the public treasury by the issue of additional treasury notes, aggregating $2,000,000, viz:

$800,000 in five dollars,
700,000 in ten dollars,
500,000 in twenty dollars,
10,000 in five cents,
10,000 in ten cents.

Authority was given to the public treasurer to employ clerks for signing the notes.

He was further authorized to borrow any part of the

*Convention Ordinances, p. 56.
†Convention Ordinances, p. 115.
‡Convention Ordinances, p. 129.

$2,000,000 in advance of issuing the notes, to bepaid by them when duly signed.

A tax on money on hand* equal to that at interest was imposed, the rate being one fifth of one per cent. This was in February, 1862.

The commissioners of Wilmington† were authorized on February 26, 1862, to borrow money for fortifying and defending the city and obstructing the river, but no obstructions could be placed without the consent of the Confederate officer in command. The same privilege was extended to New Berne, Washington, and other towns asking for it.

On February‡ 21st, 1862, a tax was levied of thirty cents per gallon on spirituous liquors made of grain until April 15th, 1862. After that such mannfacture was prohibited and made a misdemeanor. A tax of one dollar a gallon was levied on spirituous liquors of all kinds made out of the State and sold therein.

The exemption from taxation§ of $500 worth of property of each tax-payer, granted at the Second Extra session, 1861, of the General Assembly, was repealed.

The volunteers** in the army were relieved of all poll tax for 1861 and all preceding years.

BOARD OF CLAIMS.

A Board of Claims,†† three in number, was formed to audit all claims for advancements by counties, towns or individuals for troops prior to their being turned over to the Confederate government. They were to act on "principles of equity and justice." They were to take an oath of office and have power to administer oaths and require affidavits. A clerk at $4 per day was allowed. They were to receive $6 per day, the Gov-

*Convention Ordinances, p. 127.
†Convention Ordinances, p. 128.
‡Convention Ordinances, p. 119.
§Convention Ordinances, p. 82.
**Convention Ordinances, p. 35.
††Convention Ordinances, p. 5.

ernor to fill vacancies, and their findings to be reported to the Convention for payment. The ordinance was to expire on September, 15, 1861.

On December 11, 1861, the ordinance was extended to January 1st, 1863,* with the added duty to pass upon accounts of disbursing officers and agents, to report all guilty of fraud to the Governor for dismissal, and to the Attorney General for criminal prosecution.

The Board was vested with the power of compelling attendance of witnesses, production of papers and enforcing answers by process of contempt. Disbursing officers were to make quarterly statements with vouchers. It was required also to make semi-annual reports to the Governor of the condition of the finances with suggestions, he to lay the same before the Legislature. The commissioners were to be paid $2,000 per annum. They were to prepare the claims of this State against the Confederacy with proper vouchers.

Subsequently the Board† was directed in the recess of the Convention and after its adjournment to report to the General Assembly.

The reports to the Convention may be found on pages 62 to 68, 123 to 127, 145, 146 to 149, and p. 162 of the ordinances.

The votes for Commissioners‡ of the Board of Claims were:

On the First Ballot.

B. F. Moore	received	48	votes,
P. H. Winston, Jr.,	"	37	"
R. B. Vance,	"	11	"
John H. Dillard,	"	26	"
V. A. McBee,	"	17	"
Thomas S. Ashe,	"	24	"
John Manning	"	17	"
S. F. Phillips,	"	42	"
John Norfleet,	"	15	"

*Convention Ordinances, p. 75.
†Convention Ordinances, pp. 45-145.
‡Convention Journal, p. 129.

R. L. Patterson,	received	20	votes,
Joseph B. Batchelor,	"	33	"
Patrick Murphy,	"	17	"
M. B. Lanier,	"	4	"
J. J. Erwin,	"	6	"

As 104 voted there was no election.

On the Second Ballot.

B. F. Moore,	received	56	votes.
P. H. Winston, Jr.,	"	51	"
S. F. Phillips,	"	49	"
J. B. Batchelor,	"	46	"
J. H. Dillard,	"	37	"
The others,	" under 30.		

B. F. Moore was elected.

On the Third Ballot.

S. F. Phillips	received	65	votes.
P. H. Winston, Jr ,	"	63	"
J. H. Dillard,	"	39	"
J. B. Batchelor,	"	40	"

Winston and Phillips were elected.

All the men voted for had high reputation for character and business sense. The decisions of the board met with universal approval.

SALT AND OTHER WORKS.

The Committee on salt for the people* reported, through Mr. N. W. Woodfin, Chairman, that 500,000 bushels for one year were required, and that only 100,000 bushels were on hand; at least 300,000 bushels would be needed in six or eight weeks; that it was necessary to manufacture it on the sea-coast out of sea-water, because the only interior source of supply was at the works near Abingdon, Virginia. These furnished 2500 bushels a day, but that was only one tenth of

*Convention Documents.

the demand. Fortified by a letter from Dr. E. Emmons, the State Geologist, the opinion was expressed that salt could be made at the sea-coast at not over two dollars a bushel, even in winter. Dr. Emmons stated further that the French consume 14 pounds to the individual, and the English 22 and North Carolinians between these amounts.

An ordinance* was offered providing that the State should undertake the work through a Commissioner, elected by the Convention. Ex-Governor Graham† moved a substitute, to encourage the manufacture by private citizens, by giving a bounty of one dollar per bushel for one thousand bushels made in December, provided the product should be offered for sale at a price not exceeding two dollars per bushel, and seventy five cents bounty for a like amount made in February. This was rejected and the original ordinance, amended so as to allow the Commissioner discretion to establish works elsewhere than on the sea-coast, was passed by nearly four to one, and proved to be a most beneficent measure.

Dr. John Milton Worth,‡ was elected over Phil. B. Hawkins, Edward Wood, E. W. Bagley and Benjamin L. Perry, Mr. Hawkins receiving the next highest vote.

The Justices of the Peace were to distribute the salt, at cost price. It was made a misdemeanor to buy any for resale. The salary of the Commissioner was fixed at $1500 per annum.

Afterwards, on the 9th of May,§ 1862, the Commissioner was vested with the extraordinary power, in case he could not agree with the owner of land needed for making salt, or for right of way to the works, as to the price thereof, to institute proceedings of condemnation of the same under the right of eminent domain. Like power was conferred upon him, in case he should deem it advisable to bore for salt.

He was also empowered to employ free negroes on the salt

*Convention Ordinances, p. 52.
† Convention Journal, p. 49.
‡Convention Ordinances, p. 53.
§Convention Ordinances, p. 151.

works, and if he could not obtain as many as he needed, the Governor was required to impress them.

All persons employed on the salt works were exempt from military or militia duty.

The Governor* was requested to take steps for the manufacture of sulphur and saltpetre for the use of the State, and to call upon the Confederate Government for ammunition for state militia and other forces.

On the 30th of January, 1862,† the President and operatives, to the number of six, of a company chartered to make salt in Chatham county, were exempted from militia duty.

The members of the Society of Friends‡ were exempted from military duty on payment of $100. Those unable to pay were authorized to be employed on the salt works or in the hospitals.

The manufacture of cotton and wool cards§ was sought to be encouraged by offering to lend the cost of establishing such works not to exceed $10,000.

FORESTALLING AND REGRATING.

On the 11th of December, 1861,** an interesting, but unsuccessful effort was made to stop speculation during the war in "corn or other grain growing in the field, or any other corn or grain, pork or beef, fish salted or smoked, cheese, fish, coffee, sugar, tea, salt, saltpetre, or other dead victuals, and also leather." The ordinance was drawn with care by Mr. Badger, and proposed by him. He afterwards offered an amendment to the effect that indictments under the ordinance might be instituted on information by the State Solicitor, with a promise of a $20 fee in case of conviction. The friends of grand juries voted this down, whereupon the ordinance passed by 60 to 39.††

*Convention Ordinances, p. 114.
†Convention Ordinances, p. 82.
‡Convention Ordinances, p. 164.
§Convention Ordinances, p. 122.
**Convention Ordinances, p. 69.
††Convention Journal, Second Session, p. 75.

The following is the substance of the offences denounced :*

(*a*) Engrossing by any one or getting into his hands, in any way, except by producing, any of the aforesaid articles with any other intent than for his own use, or that of his family, &c., or for sale at reasonable prices, or for giving to the poor.

(*b*) Having any of said articles not for home consumption, or resale at reasonable prices, or charity, and refusing to sell at reasonable prices to those desiring to buy for home use, or for charity.

(*c*) In any way advising another to raise prices of said articles, or dissuading from bringing the same to market.

(*d*) Entering into an agreement not to sell but at certain prices.

The above offences were to be punished as misdemeanors, and in addition to fine or imprisonment, or both, the offender was to be required to give sufficient security for good behavior for three years.

It may not be improper for me to add that I never heard of a conviction, or even a prosecution, under this ordinance. The spirit of modern commercialism was too strong to be controlled by mediaeval methods.

RAILROAD AND OTHER CORPORATIONS.

Early in the session the Public Treasurer was directed to issue to the Wilmington, Charlotte and Rutherford Railroad Company (now the Carolina Central), the coupon bonds of the State, to which it was entitled, on April, 1st, 1861, for work done before that date. The amount, not stated in the (ordinance), was $250,000.

The Washington (N. C.) and Tarboro Railroad Company,† with a capital stock of $400,000, was incorporated.

Also the Florence and Fayetteville Railroad Company‡ was

*Convention Ordinances, p. 42.

†Convention Ordinances, p. 100.

‡Convention Ordinances, p. 166.

granted a charter, with a capital stock of $1,500,000.

An amendment to the charter of the Western Railroad Company* (from Fayetteville to the coal fields of Chatham) was adopted, authorizing the company to receive $100,000 from the State, without certifying that the requisite iron rails, chairs and spikes had been purchased.

The charter of the Cheraw and Coal Field Railroad Company† was amended, so as to allow the crossing of the Wilmington, Charlotte and Rutherford Railroad, (now Carolina Central), west of Rockingham, not exceeding twelve miles, provided that equivalent work should be simultaneously done north and south of the last mentioned road, and further that the road should be completed to the coal fields within five years after the pending war.

By ordinance of January 30th, 1862,‡ solvent corporations were authorized to subscribe to the capital stock of the Chatham Railroad Company, in order to connect the coal fields of Chatham with the North Carolina Railroad. These subscriptions might be paid with State bonds procured by giving the corporation bonds in exchange for the same. The State was to have a mortgage on the Chatham Railroad as collateral security. Under this ordinance the city of Raleigh subscribed $50,000 and the Raleigh and Gaston Railroad Company $200,000. After the war the name was changed to the Raleigh and Augusta Air Line Railroad Company.

The Piedmont Railroad Company,§ connecting the North Carolina and the Richmond and Danville Railroads, was chartered after vigorous opposition on February 8th, 1862. This resulted in the building of the road from Greensboro to Danville. The ordinance was urged as a necessary war measure, and probably would have failed if that argument had not been pressed.

Also the Sapona Iron Company, with a capital stock of

*Convention Ordinances, p. 160.
†Convention Ordinances, p. 40.
‡Convention Ordinances, p. 83.
§Convention Ordinances, p. 85.

$1,000,000, with privilege of having twenty thousand acres of land, was chartered. Under this charter superior iron was made in the Deep river valley.*

MISCELLANEOUS ORDINANCES AND RESOLUTIONS.

On February 10th, 1862, the Convention ordered a Court of Oyer and Terminer† to be held in Waynesville, in Haywood county for the trial of persons then in jail therein, charged with crimes, the Governor to designate a Superior Court Judge for the purpose.

In June, 1861,‡ Col. Wharton J. Green tendered to the Convention a marble bust of John C. Calhoun from a plaster cast from life by the distinguished American sculptor, Powers, "trusting that the daily contemplation of the mute semblance of the exalted and incorruptible Senator may inspire our legislators through all time to come with the noble ambition to emulate his unswerving selfsacrificing patriotism, and to imitate his many other virtues, public and private."

The donation§ was accepted with a resolution of thanks, Messrs. Venable, Craige and Smith, of Halifax, being appointed to make arrangements for the formal presentation of of the bust to the Convention.

Resolutions discountenancing party spirit** were defeated by a close vote, the peculiar friends of the Confederate and State administrations, knowing that discontent at the preference of original secessionists in appointments to office by President Davis and Governors Ellis and Clark was implied in the resolutions.

This dissatisfaction was likewise expressed in the resolution offered by Mr. John A. Gilmer that the Convention appoint Colonels George B. Singletary and Z. B. Vance Brigadier Generals, which was not pressed to a vote.

*Convention Ordinances, p. 154.
†Convention Ordinances, p. 110.
‡Convention Documents.
§Convention Journal, 1st Session, p. 89.
**Convention Journal, 2nd Session, p. 64.

On May 1st, 1862,* Mr. Badger offered two strong resolutions. Firstly, that the Convention strongly approves a proclamation of the Governor, "rebuking a recent unconstitutional movement towards disarming the people." Secondly, that the Convention, having heard that citizens of this State, unconnected with the army, particularly Isaiah Respass, have been seized by the military authority and forcibly transported beyond its bounds to Richmond in Virginia, declares that such citizens are amenable only to civil tribunals, before the courts of the Confederacy or of this State, such trial to be in open court according to due course of law. It was resolved that the Governor, if satisfied of the facts above stated, demand of the authorities of the Confederate States the return of said Respass other citizens, to be delivered to the civil authority for examination, and if sufficient cause appear, for commitment and trial. The resolutions were hotly discussed, a motion to adjourn being defeated by over a two-thirds vote. After further discussion an adjournment was had and satisfactory action being taken by the Confederate authorities, a vote on the resolutions was not pressed.

Authority was given to the cities and towns† of the State to prohibit the sale of spirituous liquors within their corporate limits and one mile thereof.

The patriotic fervor‡ was not sufficient to make the delegates change their opinions as to color, whether black or copper-tinted. The 14th Chapter of the Acts of Assembly, at the second Extra Session of 1861, which allowed Indians to testify for or against the whites, was repealed notwithstanding the vigorous opposition of their advocate, W. H. Thomas, of Jackson, always a champion for the Cherokees. The vote was 66 to 32.

On the last day of the Fourth Session,§ on motion of Mr. Holden, afterwards Governor, the thanks of the Convention

*Convention Journal, 4th Session, p. 39.

†Convention Ordinances, p. 153.

‡Convention Ordinances, p. 55.

§Convention Journal, 4th Session, p. 109.

were unanimously tendered to the ladies of the State for their "contributions to the Confederate cause, and for the patriotic ardor which they have exhibited in behalf of the country in the prosecution of the war."

ELECTION OF MEMBERS OF THE PROVISIONAL CONGRESS.

Under the Provisional Constitution* of the Confederate States, the Convention elected delegates to represent the State at large, namely, William W. Avery and George Davis. Bedford Brown and Henry W. Miller received a large vote in opposition. For the districts, Wm. N. H. Smith was elected over Richard H. Smith, Thomas Ruffin, of Wayne, over George Green, Thomas D. McDowell over Walter L. Leak, Abram Venable over Archibald Arrington, John M. Morehead over John W. Cunningham, Richard C. Puryear over Rufus L. Patterson, Burton Craige over Wm. R. Myers, Allen T. Davidson over Nicholas W. Woodfin. In this election party lines were drawn. The "Old Union" men had held a caucus, at which ex-Governor Graham presided, and nominated Brown and Miller for the state at large, and W. N. H. Smith, Green, Leak, Arrington, Morehead, Puryear, Myers and Davidson for the Districts. The "Original Secessionists" agreed to vote for Avery and Davis for the state at large and R. H. Smith, Ruffin of Wayne, McDowell, Venable, Cunningham, Patterson, Craige and Woodfin for the districts. whether in caucus or not, I do not recall. There were enough independent members to prevent either party from claiming complete victory. Avery, Ruffin of Wayne, McDowell, Venable, Cunningham, Craige and Woodfin were original secessionists, while Davis, R. H. Smith and Patterson, were then acting with them. Brown, Miller, W. N. H. Smith, Morehead, Puryear, Myers and Davidson were Old Union men, and Green, Leak, Arrington, were then acting with that party.

GENERAL OBSERVATIONS.

Occasionally the Convention went into secret sessions, es-

* Journal of Convention, First Session, pp. 118-128.

pecially in regard to the eastern counties.* Indignation was freely expressed at the withdrawal of troops by the Confederate government from some localities, and inadequate defence of others. Some members predicted that very many of the inhabitants would transfer their allegiance to the Federal government. Some thought that the negroes in the counties adjoining the sounds should be driven into the interior, but the proposal met with no encouragement. Mr. Pettigrew stated that on calling up his slaves for transportation to the up country, most of them took to the swamps. There was apprehension that there would be a general stampede to the Federal army, as soon as it should appear on our coasts. The principal speakers, so far as my memory goes, were Dr. R. K. Speed and Messrs. Saterthwaite, Rayner, R. H. Smith, S. B. Spruill, Pettigrew and Woodfin. After much debate the conclusion was that the defense should be left to the Confederate government.

BETHEL; ROANOKE ISLAND; HATTERAS.

There were two occasions when the excitement of the delegates generally was so great that it was impossible to carry on business for many minutes. The first was over General D. H. Hill's dispatch, announcing a victory at Big Bethel, with the loss of one killed and six wounded. Such turbulent, even frenzied, uproar is seldom witnessed. Men, who went wild over this petty skirmish, learned to be comparatively cool when hearing the news of the bloody victories of Manassas and Chancellorsville. The dispatch and subsequent detailed report by General, then Colonel, Hill were made to Governor Ellis, because the troops had not been transferred to the Confederacy.

In the light of subsequent great victories by our troops it is difficult now to understand how firm and well balanced men should have been so wild over this trivial affair, in which the enemy stated their loss at only 150, while General Hill's im-

*Notes of Debates in Secret Session taken by the author.

agination guessed at only 300. In view of the one killed and six wounded, he piously reported, "Our Heavenly Father has wonderfully interposed to shield our heads in the day of battle." Governor Ellis, in transmitting the report, calls the engagement a "signal victory" and asked and obtained the privilege of thanking the "gallant commander and the brave officers and men." He further requested that General Hill be promoted to be Brigadier General.* The Convention ordered 3200 copies of the message and dispatch to be printed for the members. On motion of Mr. Spruill of Bertie a committee was appointed consisting of Messrs. Spruill, Rayner and Barnes to illuminate the Capitol and grounds in honor of the "brilliant victory."

The second occasion, when many delegates lost their heads, was when Roanoke Island was captured. There was almost a panic for a few minutes. A few advocated an immediate adjournment. Some looked and acted as if there was imminent danger of Burnside's cavalry making a dash on Raleigh. But the cooler headed members soon brought the rattle-brained to their senses.

As a curious illustration† of the ignorance of the resources of the United States prevailing in the South, I give part of a reply of Governor Ellis to a question by the Convention as to the alleged "landing of foreign troops on the coast of North Carolina." On June 10th, 1861, he assured the Convention that the rumor was untrue and then used this language. "If our batteries are properly served, a fact of which I could entertain no doubt, the power of the United States Navy is not sufficient to effect an entrance into any one of the Harbors of the State."

That the batteries‡ were well served is attested by the Resolution of the Convention passed in the following December, expressing their "undiminished confidence in the courage and loyalty of the officers and soldiers, who, after a long and se-

*Convention Journal, pp. 90-101.

†Convention Documents.

‡Convention Ordinances, p. 57.

vere bombardment, were compelled to surrender to an overwhelming force, the inadequate defences of Hatteras on the 29th of August last."

DECORUM.

As a rule the discussions were harmonious, but on two occasions anger got the better of decorum. The war of words was however the only interruption of amicable intercourse. When two venerable and distinguished members, whose seats were contiguous, after a short interchange of angry sarcasm, resumed their seats and turned their backs to each other, with countenances expressive of indignant wrath, the spectacle excited the sly and unexpressed merriment of all beholders. Their friends, after the recess, soon restored their life-long friendship and the *dos a dos* position was never resumed.

At another time a prominent delegate spoke to another in loud and hectoring language. The latter indignantly, but without threatening an immediate blow, strode toward the seat of his adversary. While members generally were fearing a collision, Judge Wm. M. Shipp quietly, but firmly, stepped between the two and gave the needed moment for reflection. In a short while an ample apology was tendered by the offender, who alleged unstrung nerves from "sick headache" as the cause of his ill humor.

HUMOR.

The times were too serious for merriment as a rule. Mirth, however, was on one occasion sudden and irrepressible. A delegate, made a speech on the horrors of the war, the wickedness of the enemy and the justice of our cause, delivered with the peculiarly mournful and vociferous sadness once heard at camp meetings. Another delegate of great natural ability, then suffering from too frequent interviews with John Barleycorn, at the close of the war sermon, stepped forward and gravely shouted, "Mr.

President, I move that the front bench be set apart for the mourners." For several minutes the anxieties and responsibilities of legislation were forgotten.

ORATORY.

According to my recollection, ex-Governor Graham's oration on the Test Oath was considered the ablest delivered in the Convention. A short speech by Mr. Fenner B. Satterthwite against Soldiers's Suffrage, and one by Mr. C. R. Thomas on his resolutions discountenancing Party Spirit, had perhaps the clearest ring of eloquence. The number of strong and forcible speakers was so great that I will not attempt to enumerate them.

CONVENTION BECAME UNPOPULAR.

It is undeniable that there was in May, 1862, much dissatisfaction among the people at the long continuance of the life of the Convention and its going so largely into general legislation. It was this evident displeasure that prevented the general revision and rewriting of the Constitution, which many of the wisest thought should be done.

In truth there were too many great men, too many accustomed to be leaders, in the body for utmost efficiency. Many felt themselves compelled to give their views on every subject proposed and thus discussion was prolonged at a time when the people were impatient of talk and clamorous for action. The public too could not understand why two legislative bodies were necessary, and as the main object, for which the Convention was called, was accomplished, it felt that they ought to give way. The Assemblymen felt hampered in their action by being under the control of a body of superior power, and their dissatisfaction was countenanced by the "original secession" party in the Convention, who had lost its control and advocated its dissolution. It thus came to pass that, while the members individually retained their hold on the people, there were no tears shed over their surrendering the reins of power.

PART II.

PROPOSED ORDINANCES DEFEATED.

In order fully to understand the temper of the Convention it is necessary to mention the leading measures, which met with its disapproval.

ORDINANCES OF REVOLUTION AND OF SECESSION.

The Badger ordinance,* for which the Craige Secession ordinance was substituted by a vote of 72 to 40, was designed to meet the views of those who did not believe that a state had the legal right of secession, but did believe in the right of revolution against oppression. The hot language used shows the excited public feeling. The preamble asserts,

1. That Lincoln and Hamlin were chosen by a sectional party, hostile to Southern institutions.

2. That North Carolina, though aggrieved thereby, declined to join the states first seceding, but being ardently attached to the Union, remained therein, hoping that what was threatening might be removed and guarantees for security of our rights be given, in the mean time exerting her influence for the accomplishment of these ends.

3. While indulging this hope President Lincoln called on the states for troops to invade the seceding states, in order to subject them to military authority; that there was no Act of Congress authorizing such call, and that such Act, if passed, would be unconstitutional.

4. The call was answered with enthusiasm throughout the non-slaveholding states.

5. It is evident from the tone of the press of those states and the avowal of their public men, that their "government and people intend to wage a cruel war against the seceded states, to destroy utterly the fairest portion of their continent,

*Convention Ordinances, p. 10.

and to reduce its inhabitants to absolute subjection and abject slavery."

6. President Lincoln without shadow of rightful authority, has "declared the ports of North Carolina as well as all the other Atlantic and Gulf States, under blockade, thus seeking to cut off our trade with all parts of the world."

7. The whole conduct and words of said Lincoln have been false, disingenuous and treacherous.

8. That he is governing by military rule alone, increasing army and navy without authority, and setting aside constitutional and legal restraints.

9. His "unconstitutional, illegal and oppressive acts," his "wicked and diabolical purposes," and his "position of usurper and military dictator" were sustained by the non-slaveholding states.

Therefore this Convention, in the name and with the sovereign power of the people of North Carolina declare,

1st. All connection of government between this State and the United States, dissolved and abrogated, and this State to be a free, sovereign and independent state, owing no subordination, obedience, support or other duty to them, their constitution, or authorities.

2nd. That "this state has full power to levy war, conclude peace, contract alliances, and to do all other acts and things which independent states may of right do."

3rd. "Appealing to the Supreme Governor of the world for the justice of our cause, and beseeching Him for His gracious help and blessing, we will to the uttermost of our power, and to the last extremity, maintain, defend and uphold this declaration."

Ex-Chief Justice Ruffin, although a life-long Democrat, did not altogether approve Craige's Secession Ordinance, and offered to amend it, so as to read,* "We, the people of North Carolina, do declare and ordain that the Union, &c., is hereby dissolved," &c. He omitted the clause repealing the Ordinance of 1789, which ratified the Constitution. The vote

*Convention Ordinances, p.1.4

against the Ruffin ordinance was 66 to 49. Its wording implies that he concurred with Mr. Badger in the view that the Union was indissoluble except by revolution.

The following ordinances failed to meet with the favor of the Convention. No further explanation of them is necessary.

Allowing free negroes to enslave themselves.*

Debtors in prison bounds to be allowed to go free during the war.*

Making the selling of cotton yarns for over $1.50 per bunch of five pounds a misdemeanor.*

Ordinance creating a Minister of War.*

To repeal the Stay Law passed by the General Assembly, 54 to 52.†

Mr. Woodfin's ordinance* to deprive the courts of all civil jurisdiction during the continuance of the war, and to give Superior Court Judges the power of calling criminal courts for trial of felonies.

A "Self Denying Ordinance," prohibiting a member of the Convention from holding any other office.‡

SEDITIOUS LANGUAGE AND TEST OATH.

The effort to pass an Ordinance§ making Seditious Language highly criminal, and requiring a stringent Test Oath to be taken by all males of the State, except volunteers, under penalty of banishment or disfranchisement, which was reported by a committee, of which Judge Asa Biggs was Chairman, was defeated, after an able debate. Judge Biggs was the leader for, and ex-Governor Graham against the proposition. As the measure well shows the fervid temper and stern earnestness of purpose of a portion of our citizens, I give an analysis of it.

*Convention Documents. Not voted on.

†Convention Journal, 3rd Session, p. 39.

‡Convention Journal, 1st Session, p. 40.

§Convention Documents. Printed as appendix to Graham's speech on the Test Oath.

Either of the following offences was declared a high misdemeanor, punishable with fine and imprisonment, with obligation to give good security for three years.

(*a*) Attempting to convey intelligence to the enemy.

(*b*) Publishing and deliberately speaking or writing against our public defence.

(*c*) Maliciously and advisedly endeavoring to excite the people to resist the Government of this State or of the Confederate States, or

(*d*) Persuading them to return to a dependence on the Government of the United States.

(*e*) Knowingly spreading false and dispiriting news.

(*f*) Maliciously or advisedly terrifying and discouraging the people from enlisting into the service of the State or of the Confederate States.

(*g*) Stirring up or exciting tumults, disorders, or insurrections in this State.

(*h*) Disposing the people to favor the enemy.

(*i*) Opposing or endeavoring to prevent the measures carrying on in support of the freedom and independence of the Confederate States.

Two or more credible witnesses, or "other sufficient evidence," were sufficient to convict.

Any Judge, or Justice of the Peace, on the oath of one witness, that either of the above offences, has been committed must bind the accused with good security to appear at the next county court, and, if he failed to give such security, he must be sent to prison.

TEST OATH.

Every free male in the state, except volunteers in the army, idiots and lunatics, and prisoners of war, must, before an officer authorized to administer an oath, take an oath, 1st, of allegiance to the State; 2nd, that he will to the utmost of his power defend the independence of the Confederate States; 3rd, that he renounces allegiance to the United States; 4th, that he will support the Confederate States, and this State.

Certificates of this oath were returnable to the Clerk of the County Court, to be recorded.

Any Justice of the Peace could cite one neglecting to take the oath to appear before the County Court. If he should fail without sufficient reason to attend, or if attending, should refuse to take the oath, the Court may order him to leave the State, and depart out of the Confederate States, within thirty days.

If the Court allowed him to remain, he was disabled to vote, or hold any "office, appointment, license or election of trust or profit, civil or military," nor could he be a member of the General Assembly.

If any person should disobey the order of the Court to quit the State within thirty days, it was made the duty of the Judge or Justice, knowing the fact, to have him arrested and brought before the County Court. The Court must then send him out of the Confederate States at his expense, causing the Sheriff to sell enough of his property to pay the expenses and the costs of arrest and detention.

If any person so departing, or sent off from this State, should return, he should be guilty of treason, the punishment of which was death.

It will be noticed that the oath was to be required of all aliens, even citizens of a friendly nation, residing in North Carolina.

The speech of ex-Governor Graham against this ordinance was extremely forcible and gained many votes. That of Mr. Dick was praised for its impassioned eloquence. Mr. Biggs on the other side was the strongest, but he gained few supporters. Only 22 favored the measure on the final vote, while 79 were recorded in the opposition.*

As ex-Governor Graham's fire was principally against the Test Oath part of the ordinance, Mr. Rayner introduced the the part defining and punishing Seditious Language.† It failed by 45 to 29.

*Convention Journal, 2nd Session, p. 69.
†Convention Journal, 4th Session, p. 51.

An ordinance of similar nature to the above,* proposing to confiscate the property of citizens, who should abandon the State, or who being resident in the United States, should not return, met with a similar fate. It was postponed to the next session by a vote so decisive, 25 to 12, that it was never called up again.

The ordinance of Mr. Leak of Richmond† to create an Executive Council and give it virtually dictatorial powers, was summarily defeated. The Governor was to be a member, and the council could declare martial law, arrest and imprison any they might deem to be disloyal, seize private property for public use, order into the military or police service such part of the population of the state as it may deem proper, draw upon the public treasury at discretion, purchase arms and ammunition to an unlimited extent and appoint and pay as many officers as it might choose.

PROPOSED CONSTITUTIONAL AMENDMENTS.

The proposition‡ that the constitution should in future be amended only by a convention of the people, abolishing the mode of amending by legislative enactment and submission to a vote of the people, reported favorably by a majority of a special committee, whose names do not appear, met with no favor. There was a strong dissenting opinion submitted by the late Governor Holden and Mr. E. A. Thompson.

The motion§ to strike out of the Constitution the requirement that the people shall vote by ballot received only the vote of the mover.

Mr. Badger's motion** that the Constitution be amended so that no law, or resolution having the force of law, shall be passed except by a majority of all the members of both houses, was defeated, 44 to 37.

*Convention Journal, 1st Session, p. 191.
†Convention Documents.
‡Convention Documents.
§Convention Journal, 4th Session, p. 61.
**Convention Journal, 4th Session, p. 64.

Mr. Woodfin's motion* to make federal population, instead of taxation, the basis of the Senate, received only 19 votes, as against 62.

Near the closing† days of the last session, ex-Governor Graham moved to call a convention especially for amending the Constitution. The proposition received only 24 votes, to 31 against it, not a quorum voting.

The ordinance‡ to elect judges by the people met with no favor.

Although the Convention finally adjourned without rewriting the Fundamental Law, or making other amendments than those heretofore mentioned, yet committees, composed of men of great legal ability and political experience, were appointed to put in a more orderly shape, and suggest amendments to, the Declaration of Rights and the several Articles of the Constitution. Although these reports failed to become operative, they are both interesting and instructive to those who wish to understand the course of our civil development. The following statement will show the changes contemplated and the names of the members of the respective Committees.

DECLARATION OF RIGHTS.

The report on the Declaration of Rights made by W. J. Ellison, was strongly adverse to "any alteration affecting the existing relations or constitutional rights and privileges of the free negro." The committee, on account of "the reverence and veneration at all times due to that Declaration," recommended only the following changes.

1. Add to the 7th Section, "nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb."

2. Add to the 12th Section, "nor shall right or justice be sold, denied or delayed to any one, nor shall private property be taken for public use without just compensation."

*Convention Journal, 4th Session, p. 71.

†Convention Jonrnal, 4th Session, p, 107.

‡Convention Documents. Not voted on.

The Committee call attention to the fact that the foregoing additions are portions of the 9th Section of the first Article of the Constitution of the Confederate States, except the words, "nor shall right or justice be sold, denied or delayed to any one," which are part of Magna Charta.

3. The Committee recommend the striking out of the 25th Section, relating to the State's boundary, as being now entirely inaccurate, and because a description of boundaries should not be in a declaration of principles.

The Committee were Ellison, Chairman, Badger, Holmes, Ruffin of Alamance, Dick.

LEGISLATIVE DEPARTMENT.

The Committee on the Legislative Department, to wit, Graham, Rayner, Smith of Halifax, Strong, Meares, Brown, Foster of Randolph, Caldwell of Rowan, McDowell of Bladen, Woodfin, rearranged the constitutional provisions relating thereto, with the following changes and additions.

1. The General Assembly to have power to disfranchise for bribery.

2. No President, Cashier or Treasurer of a corporation, in which the State shall be a stockholder, to be a member of the General Assembly.

3. The Presiding Officer of the Senate to be called President.

4. No person, not entitled to vote, to be a member of the General Assembly.

5. Members of the General Assembly to be privileged from arrest, except for treason, felony or breach of the peace, during their attendance and going to and returning from their sessions. (*Eundo, morando, et ad propria redeundo*).

6. No act appropriating over $500 to be passed except by a majority of all the members of each house.

7. The public debt not to exceed twenty million dollars principal, but debts for carrying on the Confederate war, for suppressing insurrection and repelling invasion not to be included in this limit.

8. The office of Auditor of claims against the State to be created, while the duties of Comptroller were left as before.

9. Jews to be allowed to hold office, as the Convention had already voted.

10. The article defining and punishing treason to be incorporated in the words of the United States Constitution, as has been stated.

THE EXECUTIVE DEPARTMENT.

The following are the changes recommended by the Committee on the Executive Department, Howard, Dillard, Green, Leak of Richmond, Arrington, Gilmer, Headen, Miller, Galloway, Greenlee.

1. The property qualification of the Governor to be increased from one thousand pounds, ($2000), in real estate to $5000, of which $2000 shall be real estate. He must be a cit izen on the 22nd of February, 1862, or a native citizen of the Confederate States.

2. The term of office of the Governor to be three years. He was not to be eligible for two consecutive terms. He was to enter in his office on January 1st next after election, having previously taken the oath of office before the General Assembly or Chief Justice.

3. The power of laying embargoes and prohibiting exports was omitted.

4. The Governor must sign revenue bills and bills appropriating money. If he should refuse, the bill could not be passed except by a two-thirds vote of each house. If the bill is not returned by the Governor within six days, Sundays excepted, it is to become a law. Likewise a bill sent to the Governor one whole day before adjournment, and not returned, is to become a law.

5. The office of Lieutenant Governor was to be created.

In the closing days of the last session, on May 12th, 1862, an effort was made to pass the Lieutenant Governor Ordinance as a single amendment to the Constitution. On motion the special order was postponed in order to take it up, the

vote being understood to be a test of its strength. This prevailed* by 37 to 26. A motion to submit the ordinance to a vote of the people,† prevailed by 35 to 33, whereupon certain of its friends joined with its opponents in tabling it, 49 to 20.‡

JUDICIAL DEPARTMENT.§

Committee: Ruffin, of Alamance, Biggs, Battle of Edgecombe, Sanders, Strange, Badger, Kittrell, Johnston, Mitchell, McDowell of Madison.

Ex-Chief Justice Ruffin, as Chairman, reported a substitute for all provisions of the old Constitution, as amended in 1835, embodying the following changes:

1. The Judicial power to be vested in one Supreme Court; in Superior Courts of Law and Courts of Equity; in County Courts, and in Justices of the Peace.

2. The Supreme Court to consist of a Chief Justice and three Associate Justices, to be called Justices.

3. The Superior Courts of Law and Courts of Equity to consist of one or more Judges, at the discretion of the General Assembly.

4. Two terms of the Supreme Court to be at Raleigh, as nearly as may be, half a year apart.

5. The General Assembly may provide for more than two terms of the Superior Courts in each county, in which case they may increase the terms of the Supreme Court.

6. County Courts to be four times a year, not less than three justices to be a quorum. The old name Court of Pleas and Quarter Sessions, changed to County Courts.

7. All the Courts mentioned, including Justices of the Peace, shall have the jurisdiction possessed on May 20th, 1861, but the General Assembly may enlarge their jurisdiction.

This made all the Courts independent as to their existing powers.

*4th Session Journal, p. 100.
†4th Session Journal, p. 101.
‡4th Session Journal, p. 101-2.
§Convention Documents.

8. Three Justices of the Peace for each one thousand inhabitants, and no more, to be elected by the County Courts and commissioned by the Governor, to own in the county a freehold in land, assessed for taxes at $100. Justices then in office to be continued.

Note. The number under the old Constitution was unlimited, and no property qualification was prescribed. They were appointed by the General Assembly, usually on the nomination of the members from their counties.

9. The Justices to be removed for conviction of an infamous crime, corruption or other misdemeanor in office, instead of as theretofore for "misbehavior, absence or inability" by the General Assembly. By the change the conviction in Court was to remove the offender, and he was to be forever disqualified to hold any office under the State.

10. The General Assembly to have power to establish courts in cities and towns, and to give them such jurisdiction in civil cases, as it may deem best.

11. The General Assembly may establish police courts in cities and towns with power to tax and punish, in a summary manner, those accused of misdemeanors, and of violations of the bylaws.

TAXATION, REVENUE, AND PUBLIC DEBT.*

The Committee on this subject, viz, Ruffin, of Alamance, Chairman, Smith of Halifax, Pettigrew, Thomas of Jackson, Badger, Biggs, Mitchell, McDowell of Madison, recommended that in lieu of the 3rd Section of the 4th Article of the Amendments of 1835, the following in substance be substituted.

1. All free males over 21 and under 45 years of age only pay a capitation, or poll tax.
2. This to be not less than the tax on $300 worth of land.
3. Land and slaves to be taxed according to their value.
4. Tax on slaves not more than that on land.
5. Tax on slaves may be, (*a*) on their general average value in the State, or (*b*) on their value in classes in respect

*Convention Documents.

to age, sex and other distinctive properties. The mode must be prescribed by law.

6. Exemptions may be of, (*a*) soldiers in service, (*b*) of free males or slaves for bodily infirmity, (*c*) such real estate as hath hitherto been exempted by law.

7. The public debt, including that created before March 1st, 1861, not to exceed $20,000,000 principal. No debt to be hereafter contracted unless authorized by yea and nay vote of the whole number of members of each house.

8. The Sinking Fund to be continued and duly applied to the existing debt until paid. If there is a deficiency it must be supplied by taxation or loans.

9. In contracting future debts, the General Assembly must levy a tax in the act authorizing the same, sufficient to pay the interest annually, and also not less than one per cent of the principal for 34 years; this one per cent to be a sinking fund, to be invested in the bonds of this State, or of the Confederate States, or some one of them, to be applied to the payment of said debt. This special tax shall be irrepealable until the debt is paid, unless adequate provision is made by taxation for the same object.

10. Temporary loans not over $100,000 at one time, may be authorized payable out of the taxes of that or the succeeding year, by a yea and nay vote of all the members of each house.

11. The foregoing limits may be exceeded to any amount in case of war, insurrection or invasion. All moneys received from the Confederate States in liquidation of debts increased for carrying on the present war shall be applied to those debts, if practicable, if not, shall go into a sinking fund for such purpose. The deficiency, if any, shall be supplied by taxation.

It is interesting to note what of these suggested amendments have been since adopted, i. e., by the Conventions of 1868 and 1875. They are:

1. In the Declaration of Rights is the clause, "All courts shall be open; and every person for an injury done him or his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without

sale, denial or delay." This is the substance of one amendment recommended by the Committee.

2. The provision in regard to the boundaries of the State was not stricken out as was recommended, but greatly simplified.

3. That, in regard to being twice put in jeopardy for the same offence was not adopted.

4. In the existing Constitution the President of the Senate in absence of the Lieutenant Governor, is called in one section President, in another Speaker.

5. The test of voting and holding office are made the same.

6. Office of Auditor created, but that of Comptroller abolished.

7. The treason ordinance adopted.

8. The term of office of Governor made four years, instead of three. He is not allowed two successive terms.

9. Power of Governor to lay embargoes and prohibit exports is omitted.

10. Office of Lieutenant Governor created.

11. The Supreme Court made independent of the General Assembly. The powers and jurisdiction of the Superior and other Courts are likewise beyond the power of the General Assembly, but that body can distribute that power and jurisdiction among the several Courts.

12. One Chief Justice and four Associate Justices in existing Constitution.

13. Also terms of the Supreme Court to be at Raleigh.

14. The principle of proportioning in several districts the number of Justices of the Peace to each one thousand inhabitants has been adopted by the General Assembly in pursuance of power granted by the present Constitution.

15. The duty of the General Assembly to levy a special tax to pay interest and provide a sinking fund for debts contracted under certain circumstances, is in the new Constitution, as is also the existence of no restriction in case of insurrection or invasion.

16. No debt incurred except by an yea and nay vote.

17. Equalization of the capitation tax and that of $300 worth of land.

18. Mr. Woodfin's proposal to have population the basis of the Senate adopted.

It is not probable that the legislators of 1868 and 1875 consciously used the ideas of those of 1862. The prior work of the wise men of the older date was hid away in some pigeon hole in the Capitol and practically inaccessible.

IN CONCLUSION.

I venture to hope that the reader will find in my monograph much that will throw light upon the public temper during the terrible civil war. The members of the Convention of 1861 were accurate representatives of our people. By studying their action we get a glimpse of the frenzied excitement of the times, the spirit of intolerance and persecution, the enormous expenditures, the lavish issue of bonds and circulating notes, recalling the weltering financial chaos of the Revolution, the measures taken for the defense of our seaboard and to relieve the necessities of soldiers and citizens, and to fill up our armies without resort to the dreaded law of conscription. We see too that while many members thought only of war and the means of carrying it on, there were others sufficiently calm to desire to make important amendments to our Constitution. Fortunately I preserved the Convention Documents, two octavo volumes of them, and from the summary which I have given, can be seen the well considered opinions, regarding changes in our fundamental law, of Ruffin, Graham, Badger, Biggs, Woodfin, Howard, Ellison and other astute and experienced lawyers and statesmen. A study of the Convention, what it did and what it refused to do, will show that even in the days of war, when the air was full of sulphurous wrath and wild boastings, North Carolina preserved a fair measure of dignified courage and thoughtful resolution to dare the most and endure the worst.

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INTRODUCTION.

There appears to be a marked revival of the admiration and affection felt by our fathers for Nathaniel Macon. It is hoped therefore that those interested in the history of North Carolina and of the United States will appreciate the publication, as the second of the series of the James Sprunt Monographs, of a paper on his Congressional career, showing his votes and arguments for or against the great questions which arose for solution in the formative period of our government. The treatise was prepared by a student in the History Department of this University, Edwin Mood Wilson, A.B., Guilford College and University of North Carolina, and A.M., Haverford College, now Instructor in History in the Haverford College Grammar School, who won the prize offered by Dr. Charles A. Hill. To give the monograph additional value, twenty-three characteristic letters by Mr. Macon are appended, and one by Senator Willie P. Mangum to Hon. Bartlett Yancey, Speaker of the State Senate, the originals of which are owned by the University. The attentive perusal of Mr. Wilson's paper and of these letters will enable the reader to form an accurate estimate of the political life-work, and incidentally of the character, of one of North Carolina's best known public men. I give in the foot-notes such facts in regard to the persons and things mentioned by the writer as in my judgment will be appreciated by those readers who have not books of reference at hand.

KEMP P. BATTLE.

THE CONGRESSIONAL CAREER OF NATHANIEL MACON.

Men have ever honored their destroyers more than their benefactors. It is a strange and inexplicable fact that those characters who have marked their pathway with destruction of property and life, have been most honored by their admiring fellows. The power to organize and direct all forces of destruction has been regarded as the highest form of genius, —almost an inspiration from divinity itself. This tendency, so universal among men, has not disappeared with the progress of civilization; and in spite of the enlightenment and humanity of the age, we continue the practice of bestowing our most lavish praises upon those who have paved their way to renown with "dead men's bones." Thus it is that we have been taught to regard the achievements of an Alexander or a Caesar as more important than those of a Cleisthenes or a Gracchus; for this reason it is that the career of Napoleon, a career marked by evidences of the most profound and powerful genius, but withal a most unscrupulous and unholy genius, is regarded as more splendid than that of the Capets, the men who first organized France and made it possible for a great nation to grow up from a mere aggregation of petty states. For the same reason also, we Americans have learned to regard the military achievements of Washington as more important than the services he rendered the infant nation as statesman and executive. We think of the heroes of Lexington and Bunker Hill with a glow of patriotic feeling, but forget that such men as Jefferson, Franklin, and their colleagues, were not less instrumental in bringing the great struggle for liberty to a successful and honorable close. In short, we have come to believe that he who, in the service of his country, stains his hands with blood, is greater than the man who, in the more retired field of legislative duty, strives

ever, in as noble a way, to accomplish the same result. It is a noble thing to die for one's country; is it less noble to *live* for it? Both of these ideas are suggested by the public career of the subject of this essay, Nathaniel Macon; and it is to be hoped that, from the study of the lives of such men, we shall form a higher ideal of the duties and privileges of the statesman; and shall be the more convinced that a nation's strength lies not in its wealth alone, not in its size nor age, nor yet in its mighty armaments, but in the virtue and public spirit of the leaders of the people,—in its honest, high-minded men.

In the historic county of Warren, (at that time Bute), in North Carolina, in December, 1757, was born Nathaniel Macon. His ancestors on his father's side were Huguenots who came over from France after the revocation of the Edict of Nantz to escape the consequent persecution. His mother's people were North Carolinians, belonging to that plain, honest, upright yeomanry, which is the real source of power and vigor in all national life. Born of such parents and reared in the atmosphere of such a home, it is but natural that we find the young man at an early age striving to become independent of the limitations which scanty means and humble birth imposed upon him. So faithful was he in all his efforts, and such promise of future greatness and usefulness did he evince, that friends came to his aid, and he was sent to Princeton College to be educated. Here he prosecuted his studies with characteristic zeal and system until the outbreak of the Revolution in 1776. He at once quitted college and went on an unimportant expedition against the British; but upon its successful termination he returned to his studies. It was not long, however, before he felt that he must return to his native State and enlist in her defense. Consequently we find him, early in life, contending in that great struggle for liberty, which was eventually to end in the transformation of thirteen small British colonies into as many sovereign American States.

While engaged in this struggle he was, without his solicitation or knowledge, elected a member of the State Legisla-

ture. He reluctantly followed the advice of his commanding general, Greene, resigned his commission in the army, and at once entered upon his duties as a member of the General Assembly. He served continuously for several years in this capacity, and so faithful and efficient was he in the discharge of his duties in those days of distrust and uncertainty that a few years later he was chosen to represent the people of his district in the lower house of Congress, and took his seat as a member of the Second Congress at the beginning of its first session in 1791. Here, then, begins the Congressional career of Nathaniel Macon, a continuous public life of thirty-seven years, characterized by calm reasoning and honest judgment; and withal a career destined to reflect much glory upon himself and upon the State of his nativity.

In order to be able properly to appreciate the public career of a great man it is necessary that we acquaint ourselves with the political and social conditions which prevailed during his time, and with which he was compelled to deal. Macon's public life may be said to have begun with the establishment of the American Union. The Declaration of Independence had been signed fifteen years before he entered Congress, and the colonies had existed as coordinate independencies for more than ten years under the Articles of Confederation. The Federal Constitution had been ratified two years previous to the time of his election, but it had not yet secured the confidence of the people, nor, indeed, gone into full operation. The new instrument was yet to be tried by the people who had adopted it, and no one could predict what the verdict would be. There were already in process of formation two political parties, founded on a difference of opinion as to the nature and proper functions of the new government. One party, headed by such men as Hamilton, Jay, and Adams, held the doctrine of the "Implied Powers" of Congress under the Constitution, and declared that Congress was empowered to exercise, at its discretion, powers not expressly delegated to it by the Constitution. The practical application of this doctrine would tend to centralize the powers of government in federal authority.

The other party, headed by Jefferson and his colleagues, held a directly opposite political creed,—that of a strict construction of the constitution, giving the Federal government but little authority, and regarding the different States "sovereign and independent as to all powers not expressly delegated to the Federal government." From these two constructions of the constitution arose the greater number of the more important questions which came before Congress in the early history of the republic. Mr. Macon, in common with the the majority of members from the Southern and Middle States, held the "strict constructionist" view. He had adopted this view after long and careful deliberation, and, once convinced that it was correct, he held to it with the tenacity characteristic of the man. His speeches, and the stand he took on all constitutional questions which came up for consideration during his public life, are attributable, in greater or less degree, to his construction of the language of that instrument. The logic of events has since proved the doctrine of the implied powers to be the more feasible theory of government; yet it was perhaps fortunate that such conservative men as Macon held the opposite view. The people were at first very jealous of the powers which the constitution delegated to the Federal government, and the presence in Congress of such men as Macon gave a quieting assurance that was most salutary in its effect, that nothing would be done looking toward an abridgment of popular liberties without distinct warning from their representatives.

Mr. Macon took his seat October 28, 1791. That he was immediately recognized as a man of some prominence and ability is shown by the fact that early in the following month he was appointed on a committee with Page, of Virginia,* and Murray, of Maryland,† to prepare and introduce a bill, fixing the number of representatives according to population. It was a matter of importance. With the greatest

*John Page.

†William Vans Murray, afterwards Minister to the Netherlands, and Commissioner with Chief Justice Ellsworth and Governor William R. Davie to avert war with France.

difficulty the Convention, which framed the Federal constitution, had effected a compromise between the different States in regard to their representation in Congress. The constitution provided that Representatives should be apportioned to the several States according to their Federal population, but limited the number to one Representative for every thirty thousand inhabitants. When it devolved upon Congress to make the appointment after the first census had beeu taken, the question arose whether or not the number of Representatives should be determined by dividing the *entire population* of the country by the number taken as the basis of representation, or by dividing the *population of the respective States* by that number, and taking the sum of the quotients. After prolonged debate a resolution was passed, (Mr. Macon voting in the negative), declaring that the number of Representatives should be, until the next enumeration, one for every thirty thousand of the *whole* population, and Macon, Page, and Murray—the committee referred to above—were appointed to bring in a bill pursuant to the resolution. Their bill was passed, but was returned by the President without his concurrence. He objected to the bill, noted as the object of the first Executive veto, on the ground that the obvious meaning of the constitution was, that the allotment of Representatives should be made according to the population of the respective States, and that, as drawn, the bill allotted to eight States more than one representative for every thirty thousand inhabitants. Macon refused to support the attempt to pass the bill over the President's veto, and it was finally decided that the ratio of representation should be one for every thirty-three thousand of the Federal population of the respective States.

During the next few years Mr. Macon steadily increased his popularity by his very careful and faithful performance of duty. His party was in the minority and could offer no very determined resistance to the Federalist policy. Mr. Macon seldom spoke on the questions that came before the House, and we have no means of knowing what was his position with

regard to the greater number of them except when the yeas and nays were taken. He was almost invariably present to register his approval or disapprobation of all public measures, and he did so regardless of the attitude of any other man, if that attitude did not correspond with his notions of justice or expediency. In the first session of the Fifth Congress, however, we find him participating in nearly all the debates on questions of national policy. The country was excited over the prospect of the war with France. The neutrality of the United States in the war between France and England and the subsequent ratification of the Jay treaty with England, had greatly incensed the French government. It declared that the ratification of the Jay treaty released France from the obligations of the treaty of 1778, and French cruisers began to make wholesale capture of American ships. Matters had been allowed to go from bad to worse until there was prospect of hostilities between the two countries. In March, 1797, President Adams was informed by Pinckney, our Minister to France, that he had been refused recognition by the Directory, and had been treated as a suspected foreigner. The President at once issued a proclamation convening Congress in extra session on the fifteenth of the following May for the purpose of determining the policy of the government. The attitude of the Federalists was expressed in Adams' declaration that the "action of France ought to be repelled with a decision which shall convince that government and the world that we are not a degraded people." The Republicans were very anxious that no belligerent utterances should be sanctioned by Congress, and bitterly opposed the very patriotic policy of the Federalists. Early in the session resolutions were introduced providing for the defense of the chief American ports, the equipment of a navy, raising additional revenues, etc. Macon opposed the resolution on the ground that the propositions involved needless expense, especially in fitting out and manning the vessels; that no measures should be taken, contemplating war with France, until further negotiations should prove it necessary; and that the resolutions, as

introduced, conferred too much power upon the President. The matter of making loans, applying the moneys thus obtained, raising troops, etc., ought not to be placed in the hands of one man. The resolutions were passed in spite of all opposition, and subsequently bills were introduced and passed appropriating money for the fortification of harbors, authorizing a loan of $800,000, apportioning militia to the different States; and all other preparations deemed necessary were provided for. It was proposed to raise the revenue necessary to carry out these measures by increasing import duties and laying a stamp tax on law licenses, naturalization certificates, letters patent, and similar special privileges. Mr. Macon, who had by this time become one of the leaders of the opposition party in the House, was vehement in his denunciation of the proposed tax of $20 on naturalization certificates. He thought it would fall very heavily upon foreigners who desired to come to this country, many of whom were unable even to pay their passage over. His speech precipitated a lively debate on the subject of immigration. The proposed tax was finally cut down to $4.

On April 2, 1798, the President sent to Congress the dispatches he had received from the commission which had been sent to France to adjust matters. They gave a full account of the famous "X Y Z" negotiations. He had previously laid before Congress the matter of the French depredations on American commerce. No word had yet been received from the commissioners looking to a definite settlement of the troubles, favorable or unfavorable, but the national feeling was high, and the Federalists began to make extensive preparations for war. They began by introducing a bill authorizing the President to raise a provisional army of twenty thousand men. Mr. Macon and his colleagues opposed the bill, arguing, first, that it delegated legislative power to the President, and secondly, that it was unnecessary. Macon thought that no steps should be taken looking toward war until we heard definitely from our commissioners that there was no other hope of redress. He contended that the charge

that he was opposed to measures of defense was false; that he was only opposed to unnecessary expenditures, and thought that sufficient defense had been provided for at the last session. The bill was passed in a modified form. The next measure was a bill creating the Department of a Navy. Macon opposed it in the same resolute manner, and on the same grounds, but it was passed by a strict party vote. These bills were quickly followed by another which the opposition denounced as a virtual declaration of war—an act authorizing the President to instruct the commanders of American vessels to seize and bring into port, for trial by the law of nations, all armed vessels which might have committed, or were hovering over our coast with the purpose of committing, depredations on American commerce, and to retake any American ships which had been captured by such vessels. Mr. Macon argued that while the present situation was humiliating, it was better than war; that in spite of frequent depredations upon commerce, our trade and revenue were constantly increasing, the nation was growing; but that we could not look for a continuation of these things if war were declared. He was frank enough to admit, however that he stood ready to give his hearty support to a war if nothing could avert it. Following out the same general policy, he opposed unsuccessfully the bill suspending commercial intercourse, the bill abrogating the treaties with France, the bill appropriating six hundred thousand dollars for new vessels, and the bill authorizing the President to commission public and private armed vessels to capture French armed vessels, wherever found. The act laying direct taxes for raising the additional revenue required met with no great opposition from the Republicans. While Macon's policy of avoiding war except as a last resort may be justified by the termination of the trouble with France, it is certainly a plausible claim that the determined attitude of the Federalists convinced France that we were a people not to be trifled with.

It was during the extra session of 1797 that Mr. Macon allowed himself to become involved in the trouble between

Blount,* of North Carolina, and Thatcher,† of Massachusetts. Blount, a brother of Senator Blount, who had recently been expelled from the Senate on the charge of plotting to deprive Spain of the Louisiana Territory and give it to England, construed a remark made by Thatcher during one of the debates as a charge that he belonged to a French faction; and sent Thatcher a challenge. Macon carried the challenge, and received a most scathing rebuke from Thatcher when he presented it, for countenancing "that most foolish custom of duelling." No official attention was paid the matter by the House, but Mr. Macon did not improve his reputation by his connection with the affair.

In 1798 two measures, designed to accomplish party purposes, were passed by the Federalist majority in the House and Senate, and obtained the approval of the Federalist President, Adams, who was at that time at the height of his popularity. These measures were known as the "Alien and Sedition Acts." The former was an act for the removal of "such aliens born, not entitled by the constitution and laws to the rights of citizenship, as may be dangerous to its peace and safety." The bill also conferred upon the President the power to order the withdrawal of any alien, under penalty of imprisonment if the order should be disobeyed. The Sedition Act was intended to punish persons who should conspire to oppose measures of the government, or who should intimidate office holders. That the act was directed against the Republican journalists is plain from the fact that to libel, by any "scandalous writing, printing, publishing, or speaking" the President, the two Houses of Congress, or any Court, or Judge thereof, was constituted a crime punishable by heavy fine and imprisonment. Almost all the foreigners in the country were Republicans, and their bitter opposition to Adams and his policy had aroused the hatred of the Federalists. The latter determined to rid themselves of these men, who seemed to them to be attempting to destroy the liberties of the country, as well as of Americans, who were inclined to criticise

*Thomas Blount, who was a Colonel at Eutaw.

†George Thatcher, from the Maine District of Massachusetts.

too freely and independently the Federalist administration and policy. The Alien Act was unjust to foreigners; the Sedition Act was a direct blow at the liberty of the press. Gallatin* and Livingstone† led the opposition to these acts in the House, having the hearty support of Macon and the other members who took the same view of the constitution as himself. Mr. Macon argued that the acts were neither constitutional nor necessary; that the Alien Act conferred upon the President too much power over the liberties of individuals. The Sedition act he denounced in the strongest terms. He had no doubt in his mind that the bill was in direct opposition to the constitution. Mr. Otis† had said that the bill was conformable to common law. He (Macon) knew that persons might be prosecuted for libel under the State governments, but this bill proposed to take from the States the regulation of the press and give it to the national government. Moreover, if a law like this was passed, abridging the liberty of the press, Congress would have the same right to set up an established church, and prohibit the free exercise of religion, as "all are contained in the same clause of the constitution." He furthermore declared it to be his belief that the law would entirely fail of its purpose. Extreme measures of restraint invariably operate in a manner directly contrary to that intended by their originators. If the people were dissatisfied with the government, the proposed law would only tend to augment and crystallize that dissatisfaction. The people suspect that something is wrong when the government seeks by law to suppress free discussion. "They know that truth is not afraid of investigation," and may always be as safely trusted with free discussion as their representatives. This particular bill *might* be comparatively harmless, but it was at least the beginning of a policy which would lead no one could tell where. He affirmed that he held the liberty of the press a sacred matter, and one that ought to be left where

*Albert Gallatin , of Pennsylvania, afterwards New York.
‡Edward Livingstone, of New York, afterwards Lousiana.
†Harrison Gray Otis, of Massachusetts.

the constitution had left it, in the hands of the state governments. He feared that the act would give rise to numberless abuses. Subsequent events proved the wisdom of Macon's opinion. The acts reacted upon the heads of their originators and did much to hasten the downfall of the Federalist party, They were the direct cause of the passage of the famous "Virginia and Kentucky Resolutions" by the Legislatures of those States, declaring the "Alien and Sedition Acts, and some other statutes, unconstitutional, void, and no law." These resolutions were never laid before Congress, but numerous petitions were introduced at the next session asking for the repeal of the acts. After another heated discussion it was decided by a strict party vote not to repeal. Mr. Macon preserved substantially the same attitude toward these measures so long as they were in force.

In the elections of 1800 the Republicans were for the first time victorious. When the electors met and counted the votes for President, they found that Jefferson and Burr had each received 73 votes, Adams 65, and Pinckney 67. It then devolved upon the House to choose between Jefferson and Burr. When the House met to decide the matter, tellers were appointed from the respective States to examine the ballots of each State. Mr. Macon was appointed teller for North Carolina. The first ballot showed eight States for Jefferson, six for Burr, and two—Maryland and Vermont—divided. The House balloted fruitlessly for four days amid the greatest national excitement and apprehension, but on the thirty-sixth ballot Maryland and Vermont voted for Jefferson, and Delaware and South Carolina cast blank ballots. The vote of the North Carolina delegation, of which Mr. Macon was teller and leader, was invariably "6 for Mr. Jefferson." On the first ballot only one of the votes of North Carolina was cast for Burr, but later by strenuous efforts three others were secured for him. Mr. Macon was able, however, to hold a majority of the delegation for Jefferson, and cast the vote of the State for him on every ballot.

The tables were turned now, and the Republicans had the President and a majority of both Houses of Congress. The

transfer of Gallatin to the Cabinet had left Macon the party leader in the House, and when Congress met in December, 1801, he was elected Speaker by a flattering majority. He accepted at once, remarking that he did so with much diffidence, but that he should strive to attend to the duties of his office with absolute fidelity and impartiality. At the close of the session, he received an unanimous vote of thanks for the able and impartial manner in which he had filled the position. That this expression was sincere is proven by the fact that he was continuously re-elected to that responsible position until the tenth Congress, when a new incumbent* was chosen, Mr. Macon not being able to be present at the opening of the session because of severe illness. It was a great achievement for any man to be able to give such complete satisfaction in the midst of such stirring times. Measures anticipating war with foreign countries, internal affairs, party disputes, constantly engaged the attention of Congress, and often the discussions were most bitter and personal. The fact that Mr. Macon gave general satisfaction speaks volumes for the integrity and absolute fairness of the man.

During the first session of this Congress a question arose upon which Mr. Macon took a more prominent and pronounced stand than he had hitherto assumed in any of the debates. The question was the consideration of the "Senate Judiciary Bill." In the elections of 1800 it was seen that the people had grown tired of Federalist rule, and that all branches of the government would soon be in the hands of the Republicans. The Federalists therefore resolved, iu order to perpetuate their influence in the government, to pass a judiciary act, creating new courts, new judges, and new officials. All the appointments to the offices thus created were made by Adams just previous to his retirement from the Presidency, and were at once confirmed by a Federalist Senate. As soon as Jefferson and his party came into power they proceeded to neutralize this work of the Federalists by repealing the Judiciary Act. The repeal bill was introduced into the Senate by

*Joseph B. Varnum, of Massachusetts.

Breckenridge* on January 6th, 1802, and after a most heated discussion passed by a majority of one vote only. The Senate bill was sent to the House February 15th, and its discussion continued with great vehemence from that time until March 3rd. The opponents of the measure sought to have further consideration postponed until the following December, but lost their motion by astrict party vote, and the bill was passed repealing the act. Mr. Macon's most important speech in Congress thus far was made early in the discussion of the repeal measure, and was delivered with much force and enthusiasm. He ridiculed the argument which his opponents had advanced that the repeal was unconstitutional, when they themselves had said in the debate on the passage of the Judiciary Bill that Congress had power to enact such legislation as might seem proper in the case at issue. He believed that the repeal was constitutional. The constitution of his native State allowed its General Assembly to create or abolish courts as it saw fit. The same power which could create a law establishing courts could certainly repeal that law if it deemed it expedient to do so. He believed the lately established judiciary was not required by the exigencies of the government, and he heartily favored its abolition. More than that the General Assembly of North Carolina has passed resolutions asking for the repeal, and he felt bound to follow their instructions. Mr. Macon also replied to some of the statements of the opposition with great sarcasm and vigor. He denounced as basely false, and as utterly abhorrent to a truly American spirit, the accusation that his party wished the courts viciously formed. Not less scathing was his denunciation of the opposition for intimating that civil war might result from the repeal of the act.

In this speech Mr. Macon also evinced his admiration for North Carolina, and his great charity for the opinions even of those who were disposed to malign him and his party. In reply to the statement of an opposition Congressman from

John Breckenridge, of Kentucky, grandfather of John C. Breckenridge.

North Carolina, that in that State it had been found "necessary to have judges to protect the people from their worst enemy, themselves," Macon observed warmly that he "had thought that we, the people, formed this government, and could be trusted with it. *My colleague never could have uttered that sentence had he not been governed by that passion which he supposed governs others. It is true that we are not a rich and wealthy State, but it is equally true that there is no State in the Union more attached to law and order." In closing his speech he calmly observed that he would not undertake to say that all who differed from him in opinion were disorganizers and Jacobins.

While Macon was so pronounced in his opposition to the Judiciary Act, he did not favor the impeachment of Judge Chase† which followed as part of the Republican attack upon the Judiciary. He had "grave doubts whether a judge ought to be impeached for expressing to a grand jury political opinions which every man was permitted to hold and express elsewhere." Whether or not the condnct of the judge warranted impeachment, the Republicans would have done well to follow Macon's advice.

Mr. Macon was fully in sympathy with Jefferson's policy of retrenchment, and assisted materially in the latter's plans for a "chaste reformation" of army and navy, and in reducing the general expenses of the government. However, after securing the passage of the Peace Establishment Act of 1801, authorizing the President to sell a large part of the navy, and to reduce the number of sailors and officers, he was compelled reluctantly to consent to a declaration of war against the Barbary powers, and to resume the "hated Federalist policy of building a navy." The wisdom of the latter course becomes evident in the light of the effect the small American squadrons produced upon Tripoli, and later upon England in the war of 1812.

Closely following the assembling of the eighth Congress in

*Archibald Henderson.

†Samuel Chase, of Maryland, Judge of the Supreme Court of the United States, impeached for arbitrary conduct on the bench and expressing political opinions in a charge to the grand jury.

1802 began the very important debates on the Louisiana question. The issue at first was whether Congress should authorize the ratification of the "Treaty of Cession" from the French government. Here we have the interesting spectacle of the Federalists and Republicans setting forth constitutional views directly opposed to those which they had held a few years previous. The Federalists, although bitterly opposed to Jefferson's pet scheme of cession and annexation, could not deny the constitutional power to acquire territory and make treaties; but they contended that Congress had no power to annex a foreign State, and that the power to annex territory had never been delegated to the Executive and two-thirds of the Senate, but depended entirely upon the assent of each individual State. Those ardent States' Rights Republicans, Randolph,* Nicholson† and Rodney,‡ defended the administration policy chiefly on the ground that the power of Congress to annex territory was *implied* in the power to make treaties, and on the "necessary and proper" clause which had hitherto been so obnoxious to the Republicans. Macon took no part in the debate, but sat calmly in his seat while Randolph closed the argument. Whether or not his constitutional views account for his silence we cannot say. He certainly did not openly oppose the action of his party. He took no active part in the passage of the bill authorizing the President to take possession of the territory gained by the cession. When, however, the Senate bill, vesting the government of the territory in a Governor and Legislative Council of thirteen members, appointed by the President, who together should be empowered to make laws conformable to the constitution of the United States, was under consideration Mr. Macon spoke out and condemned the measure as undemocratic. He thought the territorial form of government best suited to the people of Louisiana. The people of the Mississippi Territory were

*John Randolph, of Roanoke, Virginia.

†Joseph Hooper Nicholson, of Maryland.

‡Caesar A. Rodney, of Delaware, afterwards Attorney General of the United States.

living under that form of government, and as they were very much like the people of Louisiana, it seemed to him that the same kind of government would be suitable for the latter. He thought they were not prepared for a State government, but that the exercise of territorial government would eventually prepare them for Statehood. The objectionable section of the bill was struck out, but the Senate not concurring, the House was finally compelled to accede to the demand of that body, and the section was incorporated in the bill as finally passed.

In December, 1810, the matter came up for final settlement in the form of a bill "enabling the people of Louisiana to form a constitution and State Government, and for the admission of such State into the Union on the same footing with other States, and for other purposes." On December 17 the Speaker had appointed Macon chairman of the committee to report on the admission of Orleans Territory as a State. On the 27th Macon reported the bill mentioned above admitting Louisiana and West Florida to the Perdido as a State. There was doubt, however, as to the claim of the United States to West Florida, and on January 9th, 1811, the bill was amended by withdrawing West Florida from its operation. The debate on this bill was particularly memorable because during its progress the first formal declaration of the doctrine of secession was made in the halls of Congress. Mr. Quincy,* in a speech delivered on Janury 14th, violently attacked the measure, declaring that "if this bill passes, it is my deliberate opinion that it is virtually a dissolution of this Union; that it will free the States from their moral obligation; and, as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation—amicably if they can, violently if they must." This utterance caused not a little excitement. Macon supported his bill on the ground that it was undoubtedly constitutional, and that it ought to be passed for the benefit of the people of the territory in question. The right to create States out of acquired territory was one which he had always contended for. He did not want provin-

*Josiah Quincy, of Massachusetts, son of the Revolutionary patriot.

ces, but he did want to give these people their rights. Their French descent was no reason for keeping them out of the Union. Nor did it concern Congress who their Senators and Representatives would be. It was true that Orleans was a slave territory, and he would be glad if the people could get rid of their slaves; but that matter in no way affected the question at issue. The House accepted his view and by a large majority passed the bill.

Mr. Macon's official conduct in regard to the war of 1812 has frequently been characterized as inconsistent and unstatesmanlike. Seldom was such a charge preferred against him. Let us see what his conduct really was.

With the outbreak of the war between France and England in 1795 both countries began to restrict and destroy American commerce. British cruisers made such wholesale captures of American vessels and such outrageous impressments of American seamen that in March, 1794, a "temporary embargo was laid, forbidding vessels to depart from American ports." The difficulties were partially settled for the time by the ratification of the Jay Treaty in 1795, but the treaty was by no means satisfactory. These troubles, which eventually led to the war of 1812, began again in 1803 with the renewal of war between France and England. The British admiralty courts decided that goods which started from French colonies could be captured, even though they had been landed and reshipped in the United States. English ships at once began to make captures and wholesale impressments of American seamen. Jefferson was loth to give up his peace policy, but matters grew worse and he was forced to adopt defensive measures of some sort. Wishing to avoid war, he determined upon three other remedies. The first was to provide some means of defense; the second to negotiate a favorable treaty with England; and the third was a policy of commercial restriction. Early in the first session of the tenth Congress, (1807–8), several measures were introduced into Congress looking toward the accomplishment of these plans. Coast fortifications would cost forty or fifty millions; and in lieu of them it was

proposed to build gun-boats which could be manned and put to sea whenever necessity should require. The Senate bill brought up in the House in November, 1807. was opposed by Macon as incomplete and extravagant. He thought it not advisable to devote so large a sum as $850,000 to such an equivocal means of defense; and furthermore, the bill was incomplete in that it made no provision for manning the boats. The bill passed, however, by the enormous majority of 111 to 19. The wisdom of Mr. Macon's course in objecting to it afterwards became evident. The boats cost, all told, nearly $2,000,000, and were of little service.

All negotiations to secure a satisfactory treaty were fruitless. In the mean time the third part of Jefferson's policy was adopted by Congress. When the resolutions, that no goods be imported from England and English colonies, were laid before the House, Macon opposed them in an exhaustive speech. In his opinion the nation must choose between two alternatives: "to be happy and contented without war, and without internal taxes; or to be warlike and glorious, abounding in what is called honor and dignity, or in other words, in taxes and blood."

The dispute with Great Britain was in regard to the carrying trade. In his opinion it was not nearly so important as the coasting and direct trade, for this affected the agricultural communities of the nation. Hence it would be very disastrous to enact measures which must affect that trade. He also thought we should act cautiously. We had avoided war with France by using pacific measures, and why should we not attempt the same thing in the present case. He considered fallacious the argument that by prohibiting the importation of English goods a very important class in England—the merchants—would be brought to our help, in order that their trade might not be affected. He thought that the proposed action would not be favorable to all sections of the country alike, even if it benefited some. The South sent out two-thirds of the export products of the Union, and the people of that section would lose all this if trade with England should be cut

off. The Northern States would doubtless be benefited by the home manufactures that would spring up if this trade were cut off, but the South would suffer far more. He deplored the impressment of American seamen, but thought that the proposed measures suggested no remedy. The resolutions were passed, however, and a bill was introduced and passed pursuant to them. Again Mr. Macon's judgment was proved to be correct. The act failed of its purpose and was suspended after it had been in operation six weeks.

In December, 1807, it was learned that the king had authorized English naval officers to exercise their assumed right of impressment. The Senate replied to the message of the President, recommending an embargo, by passing a bill to that effect in a single day. It was at once sent to the House, but as the discussion of the measure was conducted with closed doors, we know nothing definite of Mr. Macon's attitude in regard to it. From his speech delivered some time after, on the bill repealing the embargo, and from the votes of his colleagues at the time, it is altogether probable that he favored the embargo. The measure proved entirely abortive. It would perhaps have proved effective but for its evasion by the New England seamen. The people of that section were not in sympathy with the administration, and evaded the embargo in every possible way. So disastrous was it to home interests, and such little effect did it produce upon England and France, and so great was the dissatisfaction with it over the entire Union, that it became necessary to repeal the measure and adopt other legislation.

In April, 1808, a bill was introduced into the House, and passed, authorizing the President, in the event of certain contingencies arising during the recess of Congress, to suspend the embargo. Mr. Macon unsuccessfully opposed this measure. With the assembling of Congress the following November a great number of resolutions were introduced into the House asking, some for a total and some for a partial repeal. Mr. Macon was surprised. He thought the stand taken by Congress the session before entirely proper. The spirit of liberty seemed

superseded by a desire for gain. He was called an enemy of the country because he favored a continuance of the embargo. In order to show what he thought ought to be done he introduced into the House three resolutions relating to it. The first was that the committee appointed on that part of the President's message relating to foreign affairs be instructed to inquire into the expediency of excluding by law from the ports of the United States all armed ships belonging to powers disposed to prey upon our commerce. The second was that the same committee inquire as to the expediency of prohibiting the entrance of vessels coming from any place in the possession of the above mentioned powers to our ports, or the importation of the merchandise of those powers. The third was to inquire into the expediency of continuing the embargo. Mr. Macon was opposed to any repeal measures at that time. He argued that there were three alternatives left us, submission to the edicts of France and England, war with those nations or a continuance of the embargo. The idea of submission was out of the question; he would not submit and the people would not. War should only be declared as a last resort; and it was clear that the embargo should be continued awhile longer at least. He thought that the embargo, aided by a non-intercourse act, would produce the desired effect upon France and England; but his effort to secure the continuance of the first named measure was futile; the embargo was repealed, and as a substitute, the non-intercourse act was passed, much to his displeasure, forbidding English and French ships from entering American ports.

As the non-intercourse act was to expire by limitation at the close of the next session, when Congress met in 1809 it was necessary to adopt new legislation. In his report Gallatin advised that either the system of restriction should be rigidly carried out or entirely removed. So far it had failed to accomplish any good results. Accordingly, Mr. Macon, as Chairman of the Committee on Foreign Relations, reported a bill which was understood to have the approval of Gallatin and the President. This bill, known as the "Macon Bill, No. 1,"

contained twelve sections. The first and second excluded French and English warships from our ports; the third excluded French and English merchant vessels; the fourth restricted all importations of English and French goods to vessels owned wholly by American citizens; the fifth, sixth, seventh and eighth restricted these importations to such as came directly from England and France; the ninth authorized the President to remove the restrictions whenever either of the other countries removed theirs; the eleventh repealed the old non-intercourse act; and the twelfth limited the duration of the act to March 4th, 1810. The bill as drawn was the only measure short of war which met the requirements of the case. Nevertheless, it was condemned by the opposition as both too strong and too weak a measure. Macon supported the bill because "it places restriction on those who restrict us, and not, as at present, on ourselves." He denied the accusation that the Administration and the Southern States desired war. They wanted peace if it could be honorably maintained. After a month's exciting debate the bill was passed; but the Federalists in the Senate effected a coalition with the personal enemies of Gallatin, and struck out all the sections of the bill except the first, second, and twelfth, practically defeating it. When the bill came back to the House Macon denounced it vehemently "as a total dereliction of national honor, a base submission to the aggressions of belligerents, a disgraceful abandonment of our policy of resistance." The House would not agree with the amendments of the Senate, and the bill was lost. Something must be done, however, and the "Macon Bill, No. 2," was introduced and passed. It was an absolute surrender of everything at stake. Even the non-intercourse act was repealed by it. It conferred upon the President the power, "in case either of the aggressing nations should withdraw their edicts, to prohibit American trade with the other." This delegation of power was totally unconstitutional, and the whole bill a mere makeshift. The charge of inconsistency hardly holds here, however, for although Macon reported the bill as chairman of the commit-

tee, he openly avowed that the bill was *Taylor's, and not his own, and when put upon its final passage he voted against it.

When Congress met in 1811 it was evident that a war with England was imminent. No satisfactory agreement had been reached with the foreign belligerents, and the war party was rapidly growing in the United States. The first act of the House was to elect Henry Clay, of Kentucky, Speaker. Clay was a young man of recognized force and was known to favor war. Thus Congress committed itself to that policy which was consummated in June of the following year by a declaration of war with England. On December 6th, 1811, six resolutions were introduced into the House, authorizing defensive measures in case of war. The first of these resolutions was for the completion of the military establishment by filling up the ranks and prolonging the enlistment of troops, and for giving bounty lands, in addition to the bounty and pay allowed by law, in order to encourage enlistments of troops. The second was for raising an additional force of troops for three years' service; the third was to authorize the President to accept the services of as many as fifty thousand volunteers; the fourth that the President be allowed to order out the militia from time to time, as necessity might require; the fifth was that all vessels, not in service, belonging to the navy, and worthy of repair, be immediately fitted up and put in commission; and the sixth was to allow merchant vessels to arm and protect themselves. Mr. Macon voted for the first four of these resolutions; but opposed the fifth and sixth. His idea was that there were vessels enough in the navy to protect the coast in defensive warfare, and he thought warships of very little value for other purposes. Here he made an egregious blunder, as was evidenced by the valuable aid given the American cause by squadrons under Hull, Perry, and others. No other victories of the war did more to revive the drooping national spirit, and at the same time to convince England of the resources of the Americans, than those won on the high seas.

*John Taylor, of South Carolina, Representative 1807–'10, Senator 1810–'16, Representative again 1816–'17, Governor 1826–'28.

On January 6th, 1812, a bill for raising twenty-five thousand troops passed, and fifty thousand volunteers were authorized. Mr. Macon worked strenuously against this bill. Again on the 29th of January, he voted against the naval establishment. Matters constantly grew worse, and on April 1st the President recommended that Congress lay an embargo which should be considered preliminary to war with England. Mr. Macon voted for the embargo, and a month later for the House resolution that war be declared against England. This resolution was passed in the Senate on June 18th, and the war had come. Mr. Macon at once wrote to each postmaster in his district the laconic note:

Dear Sir:—War was declared with Great Britain yesterday.

Yours, &c.,
N. MACON.

The point of inconsistency urged against Mr. Macon was this. He voted for the first and second embargo, and he was an ardent supporter of the bill declaring war against Great Britain, yet voted against bills providing for troops, ships, fortifications, and other necessities of war, and must have known at the time that the example of a man so prominent as himself must have great effect in discouraging the war. In 1809, when there was great prospect of trouble with England, he used these words: "You must get clear of the navy yards; if you do not put them down, unquestionably they will put you down. How is it with the navy? Has it been employed to more advantage? * * * I will not raise a cent to support the present plan. I have no hesitation in saying that I shall feel bound to vote down the additional force of six thousand men whenever the subject shall come before us. I voted for it; but found then, as now, we talk a great deal about war and do nothing." This was but a following out in the hour of his country's peril, of Jefferson's retrenchment policy of other days. Macon persistently clung to the idea that the maintenance of a navy was an useless expense to the government. Although in his speech on the Loan Bill in 1814 he professed hearty sympathy with the war, his entire record

shows that he was by no means an ardent supporter, and the weak and desultory manner in which the war was conducted, and the great inactivity of the administration party in Congress, is to be ascribed, in large measure, to the hesitation and lack of vigor and energy of Macon and the other party leaders. A little investigation gives a perfectly clear explanation of his conduct, however. His action, or rather, inaction, was due to his peculiar theory of defensive war, and to his construction of the constitution. He voted against measures appropriating money for fortifications, considering them a "very equivocal species of protection, and will oftener be of advantage to the enemy by first being taken and converted into a magazine for his armies." He perhaps became aware of the importance of fortifications when the British captured and pillaged Washington City in 1814. It will be remembered that New England took no active part in the war. When Massachusetts was called on to furnish her militia to recruit the American army, the Governor of the State informed the President that "since there was no invasion, there was no constitutional reason for sending the militia." The Governor of Vermont replied to a similar requisition by saying, that "the military strength and resources of a State must be reserved for its own defense and protection exclusively." Mr. Macon held substantially the same ideas. He contended that in the time of war the different States might raise forces and consolidate them for the common defense if they chose; but he denied the power of the general government to demand that a State should contribute her quota of troops for national defense if she did not wish. He at one time went so far as to say that the Federal government had no right to quarter troops in North Carolina, if she were unfavorable to war. We confess that Mr. Macon's conduct with respect to the war of 1812 appears to us very unstatesmanlike, even if he be not amenable to the charge of gross inconsistency.

In December, 1815, Francis Locke, Senator from North Carolina, resigned his seat in the Senate, and the General Assembly, without solicitation on his part, elected Macon to

fill the vacancy. He at once resigned his office as a member of the House, and assumed his new duties as Senator.

He had served in the Senate only a few months, when the question of re-establishing the United States Bank came up. Mr. Macon seems not to have had very comprehensive ideas on questions of national finance. The determination of such issues involved questions of expediency and judgment; and his judgment was not always trustworthy save in matters of absolute right or wrong. A proof of this is in his attitude toward the Bank of the United States. Hamilton's bank, established in 1790, had done much to establish and maintain the credit of the government during its infancy. In 1811 its charter expired, and in spite of the unsettled conditions of finance and commercial policy, the republican distrust of Federalist institutions, together with the spite of Gallatin's personal enemies, was sufficient to defeat the proposition to recharter the bank. The debate was warm and the vote close—65 to 64. Macon opposed the measure, thus committing himself to the niggardly policy that was pursued throughout the war of 1812. The attempt to re-establish the bank in 1814 he also opposed. His only objection was that Congress had no constitutional power to establish such an institution. This opinion may at this day appear ridiculous in the light of the reasoning of Hamilton and Marshall on the same question. Macon admitted that great advantages would be secured from the establishment of the bank, but was fearful of any assumption of undelegated power. His attitude toward the question was practically unchanged when the bank was re-established in 1816.

Mr. Macon always opposed the principle of giving public aid to private enterprises or private needs. He likewise opposed expenditures of money for internal improvements. It is only necessary to turn to his speech on the bill granting to Lafayette the then princely pension which he received while on his second visit to America, to ascertain how Macon regarded such measures. The wisdom of his position is evident. The same thing can be said with regard to his internal improvement policy. The government first committed itself to

that policy in 1806 by appropriating a sum of money for laying off and beginning the construction of a public road from Maryland to Ohio, commonly known as the "Cumberland Road." At different times during the following six years appropriations were made for prosecuting the work, "so that by 1812 more than $200,000 had been expended upon it." Its construction was not prosecuted during the war of 1812, but immediately afterward it was again carried forward. Macon's views in regard to the construction of this road, as well as upon the general scheme of internal improvements prepared by Calhoun in 1816, are set forth in a speech which he delivered in the Senate in 1817. He opposed the policy for the general reason that the constitution warranted no such expenditures of public moneys. In his opinion all the moneys which the government could command should be used in paying off the national debt. He opposed the scheme also on the ground that the bill was imperfectly drawn. If the money must be voted, it ought to be appropriated for special objects and not for a general, undefined scheme of improvement. He further defined his position on this point in a speech made on the subject of the Florida canal in 1826. He did not like for the government to go on picking up bits of power here and there. To illustrate: "A wagon road (Cumberland Road) was made under a treaty with an Indian tribe twenty odd years ago; and now it becomes a great national object, to be kept up by large appropriations. We thus go on, step by step, until we get almost unlimited power." In closing his speech he made the suggestive remark that he believed that these schemes would be carried on by private enterprise if it could be done profitably; and that Congress was only appealed to when such was not the case.

The question of slavery arose with the organization of the Federal Government. In the second session of the first Congress memorials were introduced asking for the abolition of slavery, but Congress decided that it had no jurisdiction in the matter. In 1793 the Fugitive Slave Law was passed by Congress, providing for the return of "fugitives from justice, and

persons escaping from the service of their masters." The claimant (of the slave) was simply to satisfy any national or State magistrate that he was entitled to the person claimed in order to secure his return. This bill passed the House without debate, and almost without opposition, Macon voting in the affirmative. In 1797 the attention of Congress was called to a question arising under the operation of the fugitive slave law. Four slaves, claiming to have been liberated by their masters in North Carolina, had again been sold into slavery. They escaped to Philadelphia, and were there seized under the fugitive slave act. They petitioned Congress for relief. Mr. Macon spoke on the petition, saying that no man wished to encourage petitions more than himself, and no man had thought over the subject more than he. However, he believed that the general government could do nothing for these men; but by application to the State courts justice would be done them. He must vote in the negative on the question of receiving the petition.

The opponents of slavery were not silenced, however. In the following November there was presented to Congress a memorial, prepared by the Quakers of Philadelphia, one section of which prayed that Congress discountenance the evils wrought by the slave trade, and use every exertion to have these evils redressed. The specific complaint was that one hundred and thirty-four slaves, freed by members of the Society of Friends in North Carolina, had been reduced to slavery again under the operation of an *ex post facto* law. The consideration of the memorial was violently opposed. Mr. Macon said there was not a man in North Carolina who did not wish that there were no blacks in the country. Slavery was a misfortune—he considered it a curse; but there was no way of getting rid of it. He looked upon the Quakers as war makers rather than peace makers, as they were continually endeavoring to stir up insurrections among negroes in the Southern States. It was wrong for these people to desire the House to do what it has no constitutional power to do. This was a matter of State policy. The whole petition was unnecessary,

and the only object seemed to be to sow dissension. If Congress had the power to act he should be in favor of committing the memorial, but as no purpose could be served by so doing, it was needless to commit. Mr. Macon afterwards retracted his strictures upon the Quakers as too severe and general.

In May, 1800, a bill to "prohibit carrying the slave trade to any foreign country" was passed after a long and exciting debate, Macon voting in the affirmative. In February, 1804, the matter came up under a new guise. A resolution was introduced into the House imposing a tax of ten dollars on every slave imported into any port of the United States or territories. The immediate occasion of the resolution was the action of the South Carolina General Assembly in repealing the law of that State prohibiting the importation of negroes. Mr. Macon, (at that time Speaker), believed that the resolution was not founded on good policy. The avowed object of the proposed tax was to show the hostility of Congress to the principle of importing slaves. If Congress taxed the slave trade it bound itself to the protection of that trade. The question was not whether the slave trade should be prohibited, but whether it should be taxed. What if South Carolina had done wrong, as charged, in permitting the importation of slaves? Might not this measure be wrong also? Would it not look like an attempt on the part of the general government to correct a State for the undisputed exercise of its constitutional powers? It would operate as a censure upon the State, and to this he would never consent. There seemed to him no need of interposition. No slaves had been permitted to be imported since the adoption of the Federal constitution, and the question now was simply whether, for the sake of a trifling revenue, the protection of the traffic should be undertaken; for the traffic would be legalized if taxed. He must vote against the tax because it was an impolitic measure. The resolution was, nevertheless, passed by a close vote, and a bill pursuant to it was ordered to be brought into the House. The bill would undoubtedly have passed had it not been that some members

wished to give the South Carolina General Assembly time to enact further legislation. Further consideration was consequently postponed for the time. In January, 1806, the resolution was again introduced into the House. Mr. Macon reiterated the arguments he had used against it in his former speech. The resolution was passed this time by a large majority, and a bill was again prepared but recommitted, and not put upon its final passage during that session.

The question was one that would not down, however, and with the assembling of Congress in December, 1806, it came up more prominently than ever. In his message Jefferson called the attention of Congress to the fact that the time was approaching when that body would have constitutional warrant for enacting legislation relative to the slave trade. This paragraph of the message was regularly referred to a committee, with Early,* of Georgia, as chairman. On December 15th, 1806, he reported a bill declaring the importation of negro slaves unlawful; "imposing a fine on the importer, with forfeiture of ship and cargo" to the United States, to be sold at auction by the government; and authorized the President to employ armed vessels of the United States to enforce the law. The anti-slavery members at once objected to this disposition of the forfeited slaves, and attempted to amend the bill by granting freedom to such slaves. Macon objected to this proposition on the ground that it would be impossible to enforce the law if illegally imported negroes were to become free under its provisions. The bill was recommitted, the debate "adjourned, resumed, adjourned again." It seemed impossible for a majority to come to any definite agreement upon it. Another amendment was moved, "that no person shall be sold as a slave by virtue of this act." The vote was 60 to 60, and Macon, by his casting vote, threw out the amendment. In a brief speech he strongly urged the passage of the bill as it stood. He considered it simply a commercial question, and beyond that Congress had absolutely no authority in the matter. The law of nations had nothing to do with it. Our pow-

*Peter Early. He was at one time Governor of Georgia.

ers of legislation were delegated by the constitution, and he would be glad for any one to point out what part of the constitution gave authority to legislate on the subject in hand. He believed that forfeiture was the only effectual mode of prohibition. The Senate bill was finally accepted as a substitute, and, as passed, was very different from the one first introduced into the House; and was not a very stringent prohibitory law. It was passed by a practically unanimous vote, only five nays being recorded against it.

During the next eight years the country was so entirely occupied with the troubles with France and England, and with the establishment of commercial and political lines of policy after the war, that no particular attention was given to the subject of slavery by Congress. The anti-slavery movement was not dead, however, and once the pressure of other affairs was removed, it again came before the country in that ever memorable contest which ended for the time in the Missouri Compromise; the first real struggle between the free and slaveholding States. Early in the session of 1817-18 legislation was enacted for a more strict prohibition of the slave trade, but unfortunately we have no record of the debates, the proceedings having been carried on in secret session. In 1819 a bill was introduced into the House admitting the Territory of Missouri to the Union without any restrictions as to slavery. The bill was amended by a clause prohibiting a further introduction of slaves, and granting freedom to the children of those already in the territory upon attaining the age of twenty-five years. When the bill came to the Senate it precipitated a long and animated discussion, Mr. Macon opposing vehemently the prohibitory clause. The Senate struck out all the House amendments regarding slavery, Mr. Macon voting with the majority. Three days later, the House having refused to change its bill, the Senate voted to adhere to its amendments, and the matter was dropped for that session.

Slavery was the uppermost question throughout the next Congress. The House again passed the bill admitting Missouri, with the prohibitory clause inserted. A month before it had passed a bill admitting Maine as a State. The Senate

judiciary committee framed an amendment uniting the bills for the admission of these two States, and without any prohibition as to Missouri. Mr. Macon voted for and vigorously defended in a speech this move of the Southern Senators. When the question of the passage of the bill as reported came up Macon supported it in a long and forcible speech. He began by declaring that this was the greatest question that had ever engaged the attention of the Senate, and hoped that he should be able to discuss it in a calm and discreet manner. He was surprised at the patriotism of the gentleman* who had declared that he preferred disunion rather than that slaves should be carried west of the Mississippi. Age might have rendered him timid, or education might have prevailed on him to attach undue blessings to the constitution and Union, but if so, he had no desire to be free from his error. If the Union were dissolved it would be impossible to form another; all good men should seek to preserve it as it was. He then deprecated the formation of geographical parties, arraying section against section, and disturbing the public mind by inflammatory speeches and meetings. The government was already sufficiently troubled with perplexing questions. He then took up the question of the rights of the States. All the States having equal rights, all are content. All the new States have the same rights that the old have, and why make Missouri an exception? The terms of her admission ought not to be different from those of Louisiana, her sister State, or any other State of the Union. Why depart in her case from the great American principle that the people can govern themselves? All the territory west of the Mississippi was acquired by the same treaty and upon the same terms, and it should all have the same rights. Besides this, the proposed prohibition would work gross injustice upon the present inhabitants of the territory. They had previously bought lands and settled there with their slaves, and the government had made no objection: in fact, laws had been made guaranteeing that it would defend such property. Could the government now violate

*Walter Lowrie, of Pennsylvania

this solemn agreement? We must consider the condition and feelings of those for whom we legislate, and not without the greatest caution must we violate the wish of the people because that people is weak. He then rehearsed his pet theory that the people, as a rule, are governed too much; and that the free American spirit is particularly intolerant of galling restraint. He closed his speech with remarks concerning the relations that really existed between slaves and their owners, and the attachment of the people to the principle of State government with as little Federal interference as possible. On February 16th the bill passed the Senate. Thomas,* of Illinois, at once offered an amendment, which was in substance the famous compromise afterwards adopted. Mr. Macon opposed the amendment, urging that Congress had no authority to deal with the matter. The amendment passed, 34—10. The house refused its agreement with the bill as sent down from the Senate, and returned it. The Senate refused to recede from its position, the House insisted, and a resolution was offered in the Senate to appoint a committee to confer with the House. This motion precipitated a spirited debate. Macon spoke in favor of the conference; and the matter was finally so decided. The conference committee recommended that the Senate recede from its amendments, and that both Houses adopt the compromise recommended. This was done and the question was thought to be settled.

The next year the question came before Congress for the last time during Macon's public life. The people of Missouri had submitted a constitution to Congress, one clause of which provided that free colored men should not enter the State under any pretext. The Senate passed the bill admitting the State, but the House refused to do so until the clause of the constitution referring to the free blacks should be removed. Again conference committees were appointed, and a compromise was agreed upon. It is not necessary to go into details

*Jesse B. Thomas, Senator 1818-'19. Had been United States district judge. Was delegate from Indiana Territory to Congress 1808-'09. Removed to Ohio—committed suicide in a fit of insanity, 1850.

of the question further, however. Mr. Macon's attitude toward it was substantially the same as toward other slavery legislation. He was opposed to the conditional admission granted Missouri by the last compromise, and with Smith* alone of all the Southern Senators, insisted upon absolute admission or nothing.

The question of tariff seems to have been a prominent one in our government ever since the formation of the Union. In 1789 duties were laid on imports for the purpose of raising revenue, and were thenceforth increased from time to time as the needs of the Treasury demanded, up to the year 1816. Thus far the tariff had been imposed for revenue only, but, in his report to Congress in 1816, Dallas† recommended a distinctively protective system, and introduced into American politics a question which is today a great national issue. The manufacturing industries had been built up by the increased duties and restricted commerce occasioned by the war, and they were now clamoring for protection. The proposed bill was passed, not without much opposition from the South and agricultural communities generally. It failed to accomplish all that was hoped for it by its supporters, and in 1824 a new bill was passed increasing duties on certain metals and on agricultural products but giving little additional protection to cotton and woolen manufactures. For example, the duty on hemp was made $60 a ton. One of the chief objects of the preparation of such a bill was to entangle the administration in political difficulties, and it accomplished its purpose. As the question of protection is practically always the same it is not necessary to go into a detailed account of Mr. Macon's attitude in regard to it. A statement of his opinions as expressed in one or two of his speeches is quite sufficient. In a speech delivered before the Senate in May, 1824, he declared himself to be a patron of American industry, but not at the expense of agriculture. It was utterly unconstitutional, in his opinion, to protect one set of industries in one part of the country, and

*William Smith, of South Carolina.

†Alexander J. Dallas, of Pennsylvania.

neglect the interests of the people in another part, and utterly unjust as well. He went on to speak of the advantages of agriculture as compared with other industries. He concluded his speech by declaring that he believed the measure not for the good of the nation; gentlemen had insisted that the measure would prove to be for the good of the nation, but people nowadays generally meant themselves when they said nation. When the question came up again in 1828 Macon, although an old man of seventy years, delivered a speech two hours in length against the measure, reiterating the sentiments he had before uttered.

The administration policy of sending ministers to the proposed Panama Congress of American Republics was one which Macon regarded with apprehension and disfavor. The measure received ready support in the House, but encountered strenuous opposition in the Senate. Macon, the chairman of the Senate Committee on Foreign Relations, "reported adversely upon the nomination of ministers." The report, a most able State paper, was drawn by Tazewell*, of Virginia. Its objections were all well taken. The chief one was that we ought not to depart from the American policy of refraining from all entangling alliances. Nevertheless, the pressure of public opinion was great, and Macon's report was voted down. The whole scheme fell through with the early adjournment of the first session of this very unsatisfactory Congress.

During the last years of Mr. Macon's career in the Senate the question of the abolition of imprisonment for debt came up a number of times. Macon's position with regard to it is clearly set forth in one of his speeches. He said that he believed that when a man had given up all his property he should be released, and not put in jail where he could not work, or do anything for his own relief unless he happened to be a shoemaker or tailor. He believed that a majority of debtors were honest men; and that there were as many or more dishonest creditors than there were dishonest debtors.

The veneration and respect with which Mr. Macon was regarded during the last years of his public life are shown by

*Littleton Waller Tazewell.

the vote of Virginia for Vice-President in 1825. The election of President and Vice-President had devolved upon the House, and Virginia cast her 24 votes for Macon for the last named office. In January, 1827, the Vice-President being absent, Mr. Macon was elected President *pro tem.* of the Senate. So acceptable were his services to that body that again, in 1828, in the absence of the Vice-President, he was elected to the same office, but this time declined the honor. Later in the same year, still active and vigorous in mind in spite of his burden of three score and ten years, he resigned his office as Senator from North Carolina, and retired to the quiet of private life. At the same time he resigned as a trustee of the University of North Carolina, and laid aside all other official trusts.

It would be interesting to give more in detail the Congressional career of this worthy man, but enough has already been said to indicate his official conduct in regard to all the really important national questions which he was called on to help decide while in Congress. A further examination of his career, of his position with regard to private appropriation bills, State claims, etc., would only emphasize ideas which have already been set forth, and would be comparatively profitless.

While in no way connected with Mr. Macon's Congressional career, it may perhaps be fitting to make a brief mention of his connection with the North Carolina Constitutional Convention of 1835. There were a number of objections to the constitution then in force: it contained no provision for its own amendment, the method prescribed for the election of Governor had grown unpopular, etc. The convention assembled in Raleigh, and desiring the aid of Mr. Macon's experience, wisdom and judgment, at once elected him President, although he was at that time an old man of 78 years. He was able nevertheless, in that position to render his State valuable service; and the eagerness with which that service was sought is evidence of the unquestioned confidence and affection of his people for him.

Such was the public career of Nathaniel Macon. In his life we have the example of a man of mediocre abilities and

meagre education rising to occupy the highest position of trust and honor that the people of his State could bestow. Judged by a standard of tireless endeavor and unswerving conceptions of duty, his was a career successful in the highest degree. Judged by a standard of great personal achievement, it was a success neither brilliant nor remarkable. Mr. Macon can never be called a great man in the highest sense of the term. He was not a leader, he was not a statesman in all respects; but he was an ideal representative. Lacking the personal influence, the subtle and almost indefinable charm of manner, the vague but real something which makes a man by nature a leader among his fellows, he could not draw men after him except by his calm and thoughtful conservatism, and by that unswerving devotion to duty in which all who knew him placed the most implicit confidence. He was not a great statesman, either in the originality of his views of politics or in the practicability of his theories of government. But we repeat, he was the ideal representative. When his constituents sent him to Congress they knew that his action there would be an expression of their wishes in regard to public matters, yet tempered always by the calm and thoughtful judgment of the man himself. It was to this fact, as well as to the fact that he always voted against appropriations, not absolutely required by some pressing public necessity, that he was such a favorite with his people. There is nothing in the popular estimation which covers so "great a multitude of sins" as opposition to all appropriations of public moneys for purposes which are not absolute necessities.

Mr. Henry Adams, in his History of the United States (1801–'17) gives a most admirable portrait of Macon: "The best qualities of the State (North Carolina) were typified in its favorite representive, Nathaniel Macon, a homespun planter, honest and simple, erring more often in his grammar than in his moral principles, but knowing little of the world beyond the borders of North Carolina. No man in American history left a better name than Macon, but the name was all he left. An ideal Southern Republican, inde-

pendent, unambitious, free from intrigue, true to his convictions, a kindly and honorable man, his influence * * * was not so great as that of some less respectable and more busy politicians." The estimate does not agree with Randolph's assertion that he was the "best, purest, and wisest man" he ever saw, but it is probably nearer the truth.

In the preparation of this paper reference has been made to the following sources:

Adams—History of the United States (1801-1817.)
Adams—Life of Albert Gallatin.
American State Papers.
Benton—Thirty Years' View.
Benton—Abridgment of Debates of Congress.
Cotton—Life of Nathaniel Macon.
Gales' and Seaton's Annals of Congress.
Gales' and Seaton's Register of Congressional Debates.
Hildreth—History of the United States (1787-1820.)
Hart—Formation of the Union.
Schouler—History of the United States, Vol. III.
The National Intelligencer.
Wheeler—History of North Carolina.

LETTERS OF NATHANIEL MACON

TO JOHN R. EATON AND BARTLETT YANCEY.

ANNOTATED BY KEMP P. BATTLE, LL.D.

Letter from Nathaniel Macon(1) *to Mr. John R. Eaton*(2), *Halifax, North Carolina:*

Philadelphia April 15th—96.

Sir

For two days past the House Representatives have been in a Committee of the Whole House on the State of union for the express purpose of considering such parts of the treaties lately negotiated as may require legislative aid. the Committee have reported three resolutions, one to carry the Spanish treaty(3) into effect another the Algerine(4) and the third the Indian(5). the British(6) is to be acted on to-day, and will I suppose produce some debating. it is very doubtful what the vote of the House will be on it. My opinion is that no vote in favor of it can be obtained. I have enclosed Col. Ashe(7) the debates on Mr. Livingston's(8) motion to request certain papers from the President. I mention this to you because I am sure by applying you can have the reading of them.

With sentiments of esteem and respect I am Sir

Yr. most obt. Svt.,

NATHL. MACON.

NOTES.

(1)Some particulars of the family history of Nathaniel Macon, in addition to those given by Mr. Wilson, may be interesting. For them I am indebted to Hon. Charles A. Cooke, a descendant of two sisters of Mr. Macon, and Mrs Seigniora Crenshaw, his grand-daughter.

A Washington correspondent of the Washington (N. C.) Gazette, states that he ascertained from some records in the

Library of Congress that Macon was descended from a noble French family, one of his ancestors being Gabriel de Macon, the father of whom, Louis de Macon, received the title for military service. The family fled from France soon after the revocation of the Edict of Nantes in 1685. Bishop Meade in his "Old Churches and Families of Virginia," mentions Gideon Macon, father of Nathaniel, as a Vestryman in Virginia.

Macon is the most important town on the Soane—has a population of about 20,000.

The correspondent above mentioned, states that the shield of the family was azure, bordered with gold, bearing three golden stars.

Mr. Macon pronounced his name, Meekins. I can conjecture no reason for this other than his opinion that it sounded more democratic and American.

There was in the last century a large emigration from Virginia to Bute (now Warren and Franklin) of well-to-do people in search of lands, both cheap and healthy. Among these was Gideon Macon, a citizen of New Kent county, Virginia. He married Priscilla, a daughter of Edward Jones and Abigail (Sugan) Jones, the latter being the first white woman who crossed Shocco creek in Bute.

Gideon and Priscilla Macon lived on his plantation seven miles southeast of Warrenton. He was moderately wealthy, having 2,000 acres of land and nearly forty slaves, as appears by his will recorded in Warren county. His widow married, after his death in 1763, James Ransom, likewise of Virginia family, and one of their children, Seymore, was grand-father of General Robert, and ex-United States Senator Matt Whitaker Ransom.

The above statement shows that Mr. Macon's parents, though "respectable" were not "poor," as Mr. W. N. Edwards says in his memoirs of Macon.

Gideon and Priscilla Macon had the following children: Harrison, John, Nathaniel, Gideon, Annie, Sally, Martha, and Mary. Of these John Macon was ten times State Senator and four times a Commoner from Warren county—a wise and useful legislator; Annie Hunt married John Alston, of Halifax,

and was mother of Willis Alston, member of Congress; Sally married John Hawkins and was the mother of a Congressman, Micajah T. Hawkins, and grand-mother of General Jeff. Green, of Texas war fame; Martha married Joseph Seawell, father of Judge Henry Seawell, and Mary married a Johnston.

Nathaniel Macon married Hannah Plummer, sister of the prominent lawyer and State Senator, Kemp Plummer, whose daughter was wife of the late Judge Wm. H. Battle. Their only children were two girls, Betsy Kemp Macon, who married a planter of means in Granville county, William John Martin; and Seigniora, who married a wealthy planter of Warren, on the Roanoke, Wm. Eaton. The daughter of his landlady in Washington was named Seigniora, and he took a fancy to it.

Wm. and Betsy Martin had many children, some of whose descendants live in Richmond and Petersburg, the males usually being merchants. Others are planters in this State and Louisiana, one of whom, Chas. H. Martin, was a member of the 55th Congress. There are two grandchildren of Mr. Macon of this stock still living—Mr. Robert A. Martin, of Petersburg, Va., and Mrs. Seigniora Crenshaw, widow of General Daniel S. Crenshaw.

William Eaton and Seigniora, his wife, had thirteen children, the most prominent of whom was the late Wm. Eaton, of Warrenton, Attorney General of North Carolina and author of a valuable law book, Eaton's Forms.

There is no authentic portrait of Mr. Macon, that purporting to be his, being drawn from the description of men, who remembered his personal appearance.

For further facts concerning him the reader is referred to Mr. Wilson's paper.

Mr. Macon's letters are printed as he wrote them.

(2)John R. Eaton was a citizen of Halifax, prominent in private life. As the "oldest inhabitant" does not remember him, I think it altogether probable that he was the father of John H. Eaton, Secretary of War, of Tennessee, who was born in Halifax. If so he made that State his home.

(3)By this treaty the boundary between Florida, then Spanish territory, and the United States, was settled; the free nav-

igation of the Mississippi river was opened to citizens of both countries; New Orleans was allowed to be a place of deposit for American goods for three years, subject to renewal for that or other convenient place; and the Indians within the limits of each country were to be restrained from hostilities. There were other articles of a liberal nature concerning commercial relations, and Spain was to pay for illegal captures. There was little objection to its ratification.

(4)By the Algerine treaty, which was ratified, the Americans, who were held in prison by the Dey, were released on payment of $763,000 cash, and military stores worth $24,000 to be delivered each year. As the payment of the tribute was delayed, the American consul propitiated him by the gift of a frigate costing $100,000. After the United States became stronger, a fleet under Commodore Decatur in 1815 humbled Algiers, Tunis and Tripoli, and ended the tribute, which was virtually blackmail. A favorable treaty was extorted from Tripoli in 1805 after a short war.

(5)This treaty was made with a number of tribes of Indians of the North West by which 25,000 square miles of land was ceded to the United States, on payment of $9,500. The Indian military power had been crushed by an army under General Anthony Wayne, at the battle of Fallen Timbers, or the Miami (or Maumee) of the Lakes, two years previously. In May, 1706, an act was passed regulating intercourse with the Indians, confirming them in the possession of the territory west of a line from Lake Erie to St. Mary's River in Georgia.

(6)The celebrated Jay's Treaty, the discussion of which convulsed the nation, the Federalists strongly supporting it and the Republicans, as a rule, more violently opposing it. Its friends claimed that it settled the disputes between Great Britian and the United States, which without it would have ended in War.

It was concluded in 1794 between Chief Justice Jay and Lord Grenville. The British forts were to be evacuated. There was to be freer commercial intercourse and trading with Indians in America. The navigation of the Mississippi was

made free. Indemnity to be paid by England for recent unlawful captures and by the United States for captures by French cruisers fitted in our ports. A limited trade was allowed with the British West Indies.

The first question arose whether the House was bound to carry into effect a treaty legally made, requiring legislative action. The House voted in the negative. The motion to carry the treaty into operation prevailed in the committee of the whole by the casting vote of the chairman, and in the House by 51 to 48, largely by the eloquent advocacy of Fisher Ames, of Massachusetts. There were only four favoring votes from the States South of the Potomac and only four against it in New England.

(7)John Baptiste Ashe, son of Judge and Governor Samuel Ashe; was in 1801 elected Governor of North Carolina, but died before inauguration; Representative in Congress 1791-'93.

(8)Edward Livingston, of New York, Representative 1795-1801; removed to New Orleans 1804; Representative from Louisiana, 1823-29; U. S. Senator, 1829-31; Secretary of State 1831-'33; Minister to France, 1833-'35. Author of Civil and Criminal Code of Louisiana and other works on legal subjects. His motion, to call on the President for his instructions to Chief Justice Jay and other papers connected with the treaty, passed the House but Washington declined to furnish them as incompatible with the public interest.

Letter from Nathaniel Macon to (1)*Mr. Yancey:*

Washington, 8 Feb'y, 1818.

Sir

My last was concluded in a hurry, I will now add the remarks then intended to have been made. The story related of (2)Gen'l Davie and the Sheriff, was brought to my mind by the difficulty of reading your letter then acknowledged; you can write an excellent hand, why then perplex your friend by compelling him to guess at your meaning by reading a word in one place and then in another, and so puzzling himself to decipher half formed letters between the words read; you need not the requisite of bad writing to be

thought great, who have proved yourself to be really so, in the National Legislature; you ask if the relation was meant, as an apology for my bad writing. I answer no; and you know that I always write as well as I can.

I am well pleased that you are appointed Judge, and ardently hope, that you will not in that character attempt to split hairs, that criminals may escape, but look plainly at the offence, and go fairly for the fraud; Let right and justice be your guide, and the Lord will prosper your way: so that you shall be a blessing to the people and an ornament to the State. A righteous judgment exalted Daniel, and truth placed him next to the king, though he was of the conquered nation.

Our(3) affairs with Spain remain pretty much as they have done for some time past. It is however understood that we are not now negotiating with the Spanish minister here, that Gen'l Jackson is ordered to pursue the Indians wherever they may go; that Great Britain has offered to mediate between us and Spain and that the offer has not been accepted by the administration, and that Russia will make the same offer, and receive the same answer. It seems probable that we may find ourselves in possession of all or nearly all Florida without being at war with Spain, or having waited on her performing the treaty stipulation concerning the Indians; I am not acquainted with the intention of the Executive, relative to (4)Amelia Island, but neither that nor any other part of Florida can be held under present circumstances without expressly contradicting the declaration of our ministers at Ghent, which on such a question the Spanish government might use with great propriety, and which so used would surely be embarrassing not only to the administration but to the Government itself. It is believed that circumstances justified the driving Aurey(5) and company from Amelia, but this justification may be destroyed by improperly holding possession; it may not be unnecessary to repeat, that I know nothing of the intention of the Executive on the subject.

To you it will not appear very strange that Congress should raise their own pay, for so the $8 per day ought to be consided, and not raise that of the officers here

who are not better paid, than Congress was at $6; yet I expect it will so turn out.

Crawford(4) thinks of you, as you would wish, and enquires after you more often than I hear from you.

There has been some change(6) in the etiquette among the Ladies, which has furnished a subject for conversation (to-wit) Mrs. M.— returns no visits, and Mrs. A.— expects to be visited first by the wives of Congressmen, how it is settled, if settled at all I am ignorant.

Write to me often. It will make me glad, though you can so write as to pester me to read. Let your fall circuit include Warren, and take my house in the way from Warrenton to Halifax; it would be no objection to the visit, that Mrs. Yancey would be with you, but on the contrary it would make me twice happy if it be possible to be so; to whom and your venerable mother present my best wishes, and believe me to be

Your friend
NATH'L MACON.

NOTES.

(1)Bartlett Yancey, one of the most influential men of his day in North Carolina, was born in Virginia 1785, was educated at the University of North Carolina, settled at Yanceyville, Caswell county, as a lawyer. He was a Representative in Congress 1813-'17; was often called to the chair by the Speaker, Henry Clay. From 1817 to 1828 inclusive he was State Senator, and Speaker the whole of that time, distinguished for his readiness, fairness and ability. He was a leader in the adoption of our present Supreme Court system, in the systematization of the Treasury department, in the inception of Internal Improvements in the State and the creation of the Public School Fund. He was tendered by President Adams the mission to Peru, but declined it. His sudden death in 1828 prevented his being elected Senator, being by common consent marked out as successor to Governor John Branch, who entered Jackson's Cabinet. The county seat of Caswell and a mountain county are named in his honor.

Mr. Yancey lived in Yanceyville until a year before his death, when he removed to one of two farms which he owned.

His wife, Ann, was a daughter of John Graves, a captain in the Revolutionary army. Of their children, Rufus Augustus died unmarried soon after leaving the University of N. C.; Algernon Sidney married Miss Graves, all their children dying without issue; Frances married Henry McAden, M. D. Their children were the late Rufus Yancey McAden, once Speaker of the House of Representatives in N. C. and President of a Bank in Charlotte, and Dr. John H. McAden, a prominent citizen of Charlotte; Mary, still living, married Giles Mebane, often member of the Legislature and Speaker of the Senate, and has three children; Ann married Mr. Womach of Caswell, and left three children; Carolina married Lemuel Mebane of Caswell, and Virginia married George W. Swepson, of Virginia, afterwards North Carolina, and survives him. Besides the two children above named, Mrs. Mebane and Mrs. Swepson, there are living grandchildren and great-grandchildren of Mr. Yancey.

(2) "The story of Gen. Davie and the Sheriff I am not able to recover. I surmise that it was similar to one told on Judge Romulus M. Saunders, who, when his own manuscript was brought to him, enquired, "What fool wrote this paper?"

(3) The points of difference with Spain were the claim of the United States to West Florida, compensation for spoliations, for the discontinuance of the right of deposit at New Orleans, and the violation by Spain of the treaty of 1795 by not keeping the Seminoles from invading the United States. Spain complained of the violation of neutrality by the United States, because Gen. Andrew Jackson had marched troops into Spain's territory and seized the posts of St. Marks and Pensacola and the fortress of Barancas, for the reason that they had been used for inciting the Indians to hostilities.

The disputes were settled by a treaty made February 22nd, 1819, by which East and West Florida were ceded to the United States. The latter released Spain from all demands by her citizens and agreed to pay $5,000,000 for claims of Spanish citizens. Provision was made that in case of war of either nation with a third party neutral flags should cover

property under them, and also for grants of lands by Spain prior to January 24th, 1818. The treaty of Ghent, which ended the war of 1812, among other provisions bound the United States to end hostilities towards Indians and to give them the rights they had in 1811.

(4)Amelia Island, on the east coast of Florida, south of St. Mary's river, after the abolition of the slave trade in 1808, was used as a place of resort by smugglers, slave traders and pirates. Louis Aury was a filibuster, who claimed to be a subject of Mexico. He captured Fernandina, on Amelia Island and claimed to hold it for Mexico.

(5)The salaries of Congressmen have been, from 1789 to 1815, $6 per day; 1815-'17, $1500 per annum; 1817-'55, $8 per day; 1855-'65, $3000 per year; 1865-'71, $5000 per year; 1871-'74, $7,500 per year; 1874 to the present, $5,000 per year. During 1795 Senators received $7 per day; at all other times the same as Representatives. The $1500 from 1815 to 1817, and $7500 1871-'74, (Salary Grab), were very unpopular.

(6)William Harris Crawford (1772-1834), of Georgia, Senator of U. S. 1807-'13, being President *pro tem.* part of the time; Minister to France, 1813-'15, Secretary of War 1815-'16: of the Treasury, 1816-'25; voted for as President, receiving 41 votes in 1824, when there was no election by the people and John Quincy Adams was chosen by the House of Representatives voting by States.

(7)"Mrs. M." was the wife of President Monroe; "Mrs. A." was the wife of the Secretary of State, John Quincy Adams. These rules of etiquette still exist. They were freely criticised as savoring of aristocracy by the friends of Jackson and Crawford. Mr. Adams was attacked for claiming the first visit from members of Congress, and published a letter denying the charge.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 15 April 1818.

Sir

By this mail I send answers to your four questions, you will observe that in some, the answer refers

by numbers to the questions; which are stated on the top of each side of the enclosed sheet of paper(1).

Examine again, the constitution of the U. S. and you will perceive your error. If Congress can make (2)canals they can with more propriety emancipate. Be not deceived, I speak soberly in the fear of God, and the love of the constitution, Let not love of improvement, or a thirst for glory blind that sober discretion and sound sense, with which the Lord has blest you. Paul was not more anxious or sincere concerning Timothy, than I am for you; your error in this, will injure if not destroy our beloved mother N. Carolina and all the South country. add not to the constitution nor take therefrom; no incidental power can stand alone; whatever can stand alone is substantive, not incidental; Be not lead a stray by grand notions or magnificent opinions, remember you belong to a meek State and just people who want nothing but to enjoy the fruits of their labor honestly and to lay out their profits in their own way. in all countries, those who have sense enough to get and keep money, may be safely trusted as to the manner of disbursing it.

Written in my seat in the Senate, while business is going on. God preserve you many years as (3)Lewis De Onis says to the Secretary of State; and written also from the heart, to reach heart, if so be the will of God; farewell in truth and Remember me in good will, to Mrs. Yancey and your mother

NATHL. MACON.

NOTES.

(1)This sheet cannot be found.

(2)This fever for digging canals was intense in 1817, when the Erie Canal in New York was begun. and continued until superceded by the railroad fever. There was a very able debate in the House in 1817 as to the power of Congress to aid in their construction. The Resolution that "Congress has power to appropriate money for the construction of post-roads, military and other roads, and of canals, and for the improvement of water courses," passed by a vote of 90 to 75. Mr. Yancey favored North Carolina's aiding canal digging.

(3) Don Louis de Onis, the Spanish minister, who negotiated the treaty of the cession of Florida.

Letter from Nathl. Macon to Mr. Yancey.

Washington 8 March 1818.

Sir

This is Sunday. I have just finished my correspondence about business, and cannot I believe do a better act, than to acknowledge the receipt of your acceptable letter of the 22nd ult. I rejoice that you have taken Granville in your circuit, because if nothing happen to prevent, I will endeavor to see you there at the fall court.

After reading your letter I was perfectly satisfied with your refusing to accept the appointment of Judge,(1) though am still pleased that it was offered to you.

I must ask you to examine the constitution of the U. S.—particularly the following parts, and then tell me if Congress can establish banks, make roads and canals, whether they cannot free all the Slaves in the U. S.

The preamble—(2)article 1—Section 8—paragraph 1—Same article and paragraph Section 9—article 4 all the Section 2 & 4; with the 9 & 10 amendments.

Look also (3)Section 10, article 1—Section 8 of the same article and paragraph 5, and tell me whether Congress can make anything but gold & silver a tender in the payment in of debts.

It takes a long time to produce great events in any nation. The dispute which begun in Great Britain under the reign of Charles the first was not completely settled, until William of Orange was placed on the throne. The American revolution commenced with the Stamp act. How long the French revolution was brewing is more uncertain, but that may be said to have begun when her philosophers first wrote freely on politics. The dispute between Caesar and Pompey did not begin with them, for Marius and Sylla were before them. We have abolition-colonizing bible and peace societies; their intentions cannot be known; but the character and spirit of one may without injustice be considered that of all it is a character and spirit of perseverance, bordering on enthusiasm; and if the general government shall continue to stretch their powers, these so-

cieties will undoubtedly push them to try the question of emancipation. I have written very freely to you, and it is intended for you alone. under a fair and honest construction of the constitution the negro property is safe and secure. Beside the subjects before mentioned, we cannot forget that the Sedition act was declared constitutional by the courts, and it is probable that the alien one was also.

The states having no slaves may not feel as strongly, as the States having slaves about stretching the constitution; because no such interest is to be touched by it. Who could have supposed when Mr. Jeferson went out of office that his principles and the principles which brought him into it, would so soon have become unfashionable, and that Mr. Madison the champion against banks, should have signed an act to establish one, containing rather worse principles, than the one he opposed as unconstitutional, and that Mr. Monroe should become apparently the favorite of the federalists, if not so in fact.

The camp that is not always guarded may be surprised; and the people which do not always watch their rulers may be enslaved, too much confidence is the ruin of both.

You ask me to write often. I fear that this with my letter about navigation, may lessen your desire to hear from me; they are both highly important subjects, and worthy a much more able pen, and as you are not now to act on them, may not incline to plague yourself with them, and would rather play with your children, when at home.

When examining the constitution as before requested, remember that there is a time for all things; that there was a time, when to have voted for the Yazoo(3) compromise would have destroyed the reputation of almost any man in the South country. The hatred which attached to the Blue(4) lights, and the Hartford(5) convention are now done away, at least apparently so among Congressmen. These facts are not mentioned with the intention, to induce a belief that the South would or ought to consent to emancipation; but merely to show how a majority in Congress may change, without acknowledging, that it had changed its principles, or changed at all.

Crawford and family are well. He desired me to present you his best wishes. You and all your family have those of your friend

NATH. MACON.

Written in haste. I fear it hardly be read.

N. M.

NOTES.

(1)The appointment was tendered by Governor John Branch. There were two vacancies in 1818, caused by the resignation of Robert H. Burton, of Lincoln, who resigned and Blake Baker, of Warren, who died. Mr. Yancey's refusal was probably owing to the meagre salary of the office and the hardship involved in travelling long distances over extremely bad roads, together with continued absences from home.

(2)Art. 1, Sec. 8, Par. 1: "Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States: but all duties, imposts, and excises shall be uniform throughout the United States."

Art. 1. Sec. 9: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808," &c.

Art. 4, Sec. 2, Par. 1: "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

Par. 2 provides for surrender of fleeing criminals. Also to those held to service or labor escaping into another State.

Section 4: "The United States shall guarantee to every State a representative form of government, etc."

Amendment 9: "The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Amendment 10: "The powers not delegated to the United States, nor prohibited to the States, are reserved to the States respectively or to the people."

Art. 1, Sec. 10: "No State shall * * * coin money, emit bills of credit, make anything but gold and silver a legal

tender in payment of debts, * * * pass any law impairing the obligation of contracts," &c.

Art. 1, Sec. 8, Par. 5: "Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

In the Legal Tender cases, 12 Wallace, 457 the Supreme Court of the United States answered Mr. Macon's question in the affirmative.

(4)In 1795 four land companies bribed the members of the Georgia Legislature, except Robert Watkins, to grant to them 35,000,000 acres for $500,000, i. e. 70 acres for $1. The next year a new legislature unanimously passed a repealing act. The Supreme Court, in Fletcher vs. Peck, declared that the act of 1795 was a contract which Georgia could not impair. In 1802 Georgia ceded her claims to the territory, now Alabama and Mississippi, in which the Yazoo fraud lands were situate, to the United States. The claimants therefore resorted to Congress. In 1814 an act was passed by a close vote of 84 to 76 compromising the claims, a committee having reported that, though the original grant was tainted with fraud, the subsequent purchasers had no notice of such fraud.

(5)In 1813 Commodore Decatur was blockaded in the port of New London. He made several attempts to run his vessel out but was prevented by the vigilance of the British. He declared that blue lights were burned to signal the blockaders as to his movements. The Republicans hence stigmatized the opponents of the war as Blue Light Federalists, equivalent to traitors.

(6)Delegates from Massachusetts, Rhode Island and Connecticut, and from one or two counties in Vermont and New Hampshire, met at Hartford December 15, 1814, to January 5, 1815. They sat in secret and were strongly suspected of designing to withdraw New England from the Union. The New England Federalists became odious to the Republicans. Language which seemed to claim the right of secession was used in the report of the convention. Congress was asked to allow each State to defend itself and to allow Federal taxes to

be retained for the purpose. Permission was also asked that State armies might be raised. Seven amendments to the constitution were proposed, but not adopted.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 7 Feb'y 1819.

Sir

I have in my seat this minute received your letter of the 3-instant You ask my opinion concerning the conduct of Gen'l Jackson in the Seminole war: and inform me that you have formed yours, but will not give it. The example does not agree with the request notwithstanding this, I shall state mine. The constitution gives Congress the sole authority to declare war; war has been waged and every act of Sovereign power exercised without the consent of Congress—the constitution has then been violated, and I am for the constitution rather than for man. No more for want of time at present.

Yrs. with esteem

NATHL. MACON.

NOTES.

(1)President Monroe in his message in 1818 justified General Jackson in his pursuit of the Seminole Indians into the Spanish territory on the ground of self-defence, that, when he found that the Spanish officers had actively aided the Indians, he was right in occupying Pensacola and other places. Jackson was sustained in the House. 70 against 54 apppoved the execution of Arbuthnot and Ambrister, British subjects convicted by court martial of aiding the savages. 91 against 65 voted that the invasion of Florida was not against the constitution of the United States. Jackson then threatened to cut off the ears of his most active opponents but did not offer physical violence to any one. The discovery years afterwards that Calhoun had in the Cabinet expressed disapproval of his conduct led to breach of friendship between the two, which had important political results.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 19 April 1820.

Sir

Since my last, I have conversed with the President, as requested, on the subject of the outlet(1) from the Sound to the ocean; he promised to have the examination desired made; If the Governor should write me, his wish should be attended to.

The Spanish minister(2) had not yesterday, I believe, given any proof, of what he would do, or what he expected from the U. S. It is probable, he will be willing to make a flourish or two, before he declares his ultimatum. The U. S. government ought not, I apprehend, to open again the negotiation from the beginning of our disputes with Spain.

The feds(3), I fear are not done with the Missouri question; they will no doubt push it, with a view to form new parties, on the principle of slave or no slave; it the only hope, left them by which to get power; and power gives offices which are in great demand here; and which members of Congress now ask the president for, at least so I am told, and so I believe; that is the doctrine, every one for himself.

I suspect that Mr. Monroe(4), begins to feel, that he cannot safely depend on his new friends and old opponents, to support his administration and that he is now satisfied, they would rather have a man of their own party at the head of the government, and permit him with their consent to retire a private citizen to Virginia. He will I expect hereafter have more troublesome times, than he has done; after his next election, all who want to fill his place, will be on the look out, and in his cabinet(5) there is more than one; hence he may expect a divided council; and out of the cabinet rather more than there is in it. Add to this the 6,000,000$(6) he found in the Treasury gone; and nearly or quite as much wanted at this time; and the surplus revenue like to diminish, and the people generally at home in debt.

If Tompkins(7) should be governor of New York, there will probably be a smart scuffle here, for the next vice president. A few days before Smith's notice for the caucus(8) some of the warm friends of those who

were talked of afterwards as candidates, often said, that we ought now in time of peace, to go back to the principles of the constitution, and elect for vice president a man who should afterwards be elected president. Much of common place argument was used in favor of it, since the death of the caucus. I have not heard a word about the election. It was, I believe, killed by the Representation of N. C. who had a meeting which I did not attend, and determined not to go to the caucus.

When Congress first met, there was much talk of reducing the expenditure within the revenue, but no great deal has been done beside the talk. The reduction may probably amount to rather more than the claims which may be allowed by Congress, and the amount which has been added to the appropriation act not contained in the estimate. The sinking fund will be drained, of every cent that can be spared, and then probably loans and taxes; if the manufacturing bill(9) passes as it is, no conjecture can be formed, what the deficit will be next year; and this manufacturing scheme was fixed on us, by the strong aid of the south as well as some other evils; give to every one his own, is a good rule. How beautiful would the congressional improvement look now on paper had Madison have put his name to it, and how dismal in fact, putting the constitutional question aside.

I have written this in my seat, you must take it as it is. Remember me to Mrs. Yancey and believe me.

Your friend,

Nath'l Macon.

NOTES.

(1)This refers to the futile project of reopening Roanoke Inlet opposite Albermarle Sound, which had been closed by a storm.

(2)The treaty for the cession of Florida to the United States, agreed on February 22nd 1819, was not ratified until 1821, possession being formally delivered on the 18th of July, General Andrew Jackson being Governor of the Territory. The Spanish minister was as above stated Don Louis de Onis.

(3)The Missouri Compromise was passed March 3rd 1820. Missouri adopted a constitution in July of the same year, which established slavery and forbade the immigration of free negroes. The last clause led to another compromise by which Missouri agreed not to deprive of their constitutional rights citizens of other states.

(4)As the Federalist party was virtually dissolved, and the "Era of Good Feeling" had come, Monroe naturally took some of them into his confidence. This did not meet the approval of the "dyed in the wool" Republicans. In addition the President recommended Protection. That his "new friends and old opponents" were influencing his mind is proved by his incidentally recommending in 1824 both Protection and Internal Improvements.

(5)Adams, Secretary of State, Crawford, of the Treasury and Calhoun, of War, were all aspirants for the Presidency after Monroe.

(6)Crawford, Secretary of the Treasury, had estimated receipts at $29,525,000 and expenditures at $21,946,351, but internal duties were removed and imports after 1817 were much reduced. A deficiency resulted and Congress authorized a loan of $3,000,000 to supply it. In 1821 another loan of $5,000,000 was necessary.

(7)Daniel D. Tompkins, of New York, who had been Judge of the Supreme Court and Governor, 1807–'17, was reelected Vice President.

(8)Caucus, said to have derived its name from a club of ship calkers in Massachusetts. From 1800 to 1824 there were seven caucuses of Congressmen for the nomination of candidates for the Presidency and Vice Presidency. There were none held in 1820 because there was little opposition to Monroe and Tompkins. The last, held in 1824, by the Republicans nominated Crawford and Gallatin. In 1828 nominations were made by State Legislatures. In 1831 the present system began to be introduced. The Smith, who gave notice for the abortive caucus of 1820 was Samuel Smith, member of Congress from Maryland, then in the House; both before and afterwards a Senator. He was a

brave Revolutionary soldier, as was his brother Robert, who was Secretary of the Navy under Jefferson and of the State under part of Madison's term.

(9) After the War of 1812 large amounts of British manufactures were hurried into the United States. The industries which had been stimulated by non-importations were hurt and many ruined. Home manufacturers clamored for protection by high duties. The Tariff of 1816 was framed partly with this view and received the support not only of Northern factory owners, but of cotton growers in the South, who wished to exclude the cheap goods of India, their cotton not being bought in that country. Monroe in his first message recommended a Protective Tariff, but nothing was then done except to continue for seven years the Tariff of 1816 on cotton and woolens. The pressure on Congress by manufacturers continued, until 1824 a bill on protection principles was passed against votes of New England and the South, by members from other sections. In 1828 was passed the bill so strongly protective as to be denounced by Southern members pure robbery.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 5 Dec. 1820

Sir:

I have this minute in my seat in the senate received your letter of the 30-ultimo, and will endeavor to answer your questions and requests—The treaty with Spain is not known here to be ratified; I however incline to the opinion that the administration expect it will be; It is probable, (1) the ratification may in some measure depend on the doings of the allied powers. If they attempt to put down the late revolutions in Europe, it may hasten the ratification.

Whether the Missouri question will be again debated in the Senate is rather uncertain; no one has yet declared in favor of debating. It is expected (1) that a very warm debate will take place in the H. of R on the subject.

The Missouri question I imagine decided the election (4) of Speaker in favor of Taylor.

Governor Branch (5) has been last winter mentioned to administration for Governor of Florida when obtained. There is however reason to suspect that the office will be given to one who has been a distinguished military commander.

It seems to me, rather improper to give any opinion on the other question; perhaps it may be a sort of false delicacy, which leads to this conclusion.

The report of the Treasury not yet received, though it is understood, that a considerable deficit will appear when it shall be laid before Congress.

The national expenditure must be diminished, or taxes must be laid, or money rather bank paper borrowed, or Treasury notes issued, which is another name for a loan.

I ought to add that in my opinion if a military man be not appointed, that Governor Branch will probably be appointed governor of Florida when obtained; for every appointment in that country, there is already more applicants than can get places.

I am called to attend a Committee, farewell, believe me to be

With great esteem and regard
Sir

Yr obt Servt
NATHL. MACON.

NOTES.

(1) As heretofore stated, the Spanish treaty was ratified in 1821. The Holy Alliance of 1815 virtually agreed to aid the parties to it in suppressing insurrectionary movements. In pursuance of the resolves of the Congress of Troppau and Laybach in 1821, the Liberal movement in Italy was put down by Austria. In 1822 the Congress of Verona was held and in 1823 the French sent an army into Spain and restored the monarchy. It being believed that the allies intended to restore to Spain the Spanish colonies in America, Monroe. after consulting Jefferson, Madison, J. Q. Adams and Calhoun, and having the support of the British ministry, embodied what is known as the "Monroe Doctrine" in his message to the Congress of 1823.

(2)The question was debated in both Houses. The exclusion of free negroes by the constitution of Missouri was objected to. In the Senate the amendment offered by John H. Eaton, of Tennessee, declaring that Congress by admitting Missouri did not give assent to any clause depriving citizens of the United States of any privileges or immunities, was adopted, and the resolution of admission passed by 26 votes to 18, on the 11th December, 1820. After a long struggle in the House, the resolution proposed by Henry Clay, of Kentucky, that the excluding clause should not authorize the passage of any law excluding the citizen of any State from any privileges enjoyed under the Constitution of the United States, passed on the 29th of February, 1821, by a vote of 86 to 82 on the second reading and 87 to 81 on the third. Senator Eaton entered the University of North Carolina from Halifax county, N. C., removed to Tennessee, was Senator 1818-'29, Secretary of War, 1829-31; Governor of Florida Territory, 1834-'36; Minister to Spain, 1836-'40; author of a life of Andrew Jackson.

(4)John W. Taylor, of New York, Representative 1813-'33. Speaker from November, 1820, to March, 1821, and 1825-'27. Removed to Cleveland, Ohio, 1843.

(5)John Branch, of North Carolina, graduated at University of North Carolina 1801; Governor of North Carolina, 1817-'20; United States Senator, 1823-'29; Secretary of the Navy, 1829-'31; Representative in Congress, 1831-'33; Governor of the Territory of Florida, 1844-'45; died 1863. Often member of the State Legislature.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 12 Dec'r. 1821.

Sir

Your letter(1) of the 15 ultimo by Gen'l Sanders has been received, we board in the same house, he is quite an agreeable man, and no doubt calculated to represent the District.

All here of every political party, seem to be well pleased with the information of the President, that

neither taxes or loans will be wanted next year, this statement was supposed to have been made on the expectation that no extraordinary or uncommon expense, will be incurred, during the present session of Congress.

Already there is much talk here, about who is to be the next President, and it is frequently asked who N. C. will support for that office. My answer has been that I did not know, but probably who was thought to be most republican and economical, of those that should be named for the appointment. I apprehend an effort will be made to ascertain for whom N. C. and Penn'a. will vote, before a nomination be made; whether this will be done by a caucus as heretofore, is considered rather uncertain, but if it be not done publicly as has been usual by one of the parties, there will most assuredly be a secret understanding, who each of the different parties will support, nor is it an easy matter, to ascertain how many different parties now exist, particularly as regards the next presidential election, the old ones are much, if not entirely broken, perhaps too much separated to be quickly if ever again united, though the principles on which they were originally formed will always be more or less felt, they are it is believed, too old to be lost.

The change(2) in the constitution of New York, it is thought, will in time do away many of the petty party distinctions, which have so long distracted that large and rich state, and will of course add to her weight in the union.

Unanimity in the south would give great weight, to the men, who may be there supported for the offices of President and Vice President, because at present that is scarcely to be expected in some other parts of the nation. Beside it is the duty of every person, especially those of the South, who wish an economical administration of the public revenue to examine well the character of those who may be nominated for the office of President and vice President. I have said especially of the South, because nearly all the federal taxes collected there, are paid for the interest of the public debt, or laid out to the north of the James River, hence the constant drain of money from the states, to the U. S. bank. This is not strictly

chargeable to the U.S. bank, because whether that existed or not, the money would still be drawn as it now is, it operates like a balance of trade almost equal to the amount of the national revenue there collected; for example, suppose there be no balance of the trade between the two Carolinas and Georgia and the states north of them and that from these three, there should be annually drawn one million of dollars, to be paid or laid out as before stated, the result would be the same as if a balance of trade to that amount, was against them, because in both cases, a million is to leave them.

I have heard since being here, that great division of opinion exists in N. Carolina, as to the man who ought to be the next president, if this be true, it may well be doubted, whether there, like here, the question has not been too soon started, because a man may be now approved, who might not be in a few years. It may not however be amiss, to state, that I have heard(3) all the Secretaries named as well as several others for the appointment, and that at present the Secretary of the Treasury appears to have the best chance.

It is probable, we shall not very soon hear of the Missouri free negro question unless it be used with a view, to unite the non-slave-holding States in favor of the same person for president; and if attempted it would probably have different effect in Penna.

After reading this scrawl you will not again request me to write long and often; it is hard, to, when there is nothing to communicate; Gales and Seaton give all that is done here as well as something that is done elsewhere; I have had to scuffle hard to find this much: I am with great respect and esteem

Sir

Yr. ob't Servt

NATHL. MACON.

The ground covered with snow.

I have neither time nor inclination, to write this again to correct or make more plain.

(1)Romulus Mitchell Saunders, born in Caswell county, North Carolina, March, 1861; a lawyer; Representative in Congress, 1821–'27 and 1841–'45; Attorney General of North

Carolina, 1828–'35; Judge of the Superior Court, 1835–'04 and again 1852–'67; was defeated as the Democratic candidate for Governor, 1840; Minister to Spain 1845–'49; Trustee of the University of North Carolina forty-eight years; Died a resident of Raleigh April 21, 1867.

(2)Before 1821 a voter in New York for the lower house must have been a £20($50) free holder or a 40 shilling ($10 per annum) renter; a voter for Senator and Governor must have had a freehold worth £100 ($250). There were thousands of men, some wealthy, holding long leases, some for 999 years, from Trinity Church and the great Dutch manors, and others who had agreed to purchase and partly paid for lands, who were disfranchised, at least in part. There was also a Council of Appointment, which had the right to appoint about fifteen thousand six hundred offices in the State and city of New York, and a Council of Revision, which had the veto power, to be defeated only by a two thirds vote. Both these bodies were unpopular, being charged with favoritism and fraud. A convention was called in 1821 which, with other changes, abolished the councils and the property qualification of voters. Van Buren was one of the ablest advocates for the amendments.

(3)John Quincy Adams, of Massachusetts, Secretary of State; William Harris Crawford, of Georgia, Secretary of the Treasury; John Caldwell Calhoun, of South Carolina, Secretary of War; Smith Thompson, of New York, Secretary of the Navy; Return Jonathan Meigs, of Ohio, Postmaster General; William Wirt, of Virginia, Attorney General.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 17 April 1821.

Sir

I incline to the opinion that it will require more exertion than you expect, to get the vote of N. C. for Crawford at the next presidential election. Calhoun (1) was last summer in Pennsylvania, and will be this in the South; you know well his talent

by very general observations for gaining on strangers. The newspaper at Salisbury seems to be in his favor, and I have no doubt that several of our Representatives here are also for him. Who will be in the Assembly at the proper time to recommend electors? W. Alston(2) and Smith(3) are reported to be for Calhoun.

I should have been very much gratified to see you this summer; I have heard that the president-makers here, particularly the friends of Calhoun have already written to other States to get support for their candidate.

God bless you and yours is the sincere wish of

Your friend,

NATHL. MACON.

NOTES.

(1)A portion of the members of the General Assembly met in caucus and nominated Crawford. A "People's Ticket" for Jackson was at once put out. The vote of the people was 20,415 for the Jackson electors and 15,620 for those of Crawford. Neither Clay nor Adams were voted for.

Calhoun was not in the field for the Presidency, as only South Carolina nominated him. For the Vice-Presidency he received 182 votes out of 260. Virginia cast her 24 votes for Nathl. Macon.

(2)Willis Alston, of Halifax, N. C. He defeated General W. R. Davie for Congress in 1803; served from 1803-'19 and 1825-'31. He was a member of the State Legislature 1791-'2, 1794-'6, and 1803-'1.

(3)James S. Smith, M.D., Hillsboro, N. C.; afterwards near Chapel Hill, N. C. Representaties in Congress 1817 to 1821. Was also a member of the General Assembly 1821-'2 and of the Convention of 1835.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 17 March 1822.

Sir

It is reported here, that the Salisbury news paper, is out decidedly against(1) C—and that some of our ex-

members of Congress are the same way; The opposition to him, will be determined and violent, his friends ought not to expect, that he will be elected, and they be idle. You know all the men whose names have been mentioned for the next president, and that some of them are remarkable for their talents at shyhogging(2), and never loose the opportunity of using them. The General Assembly at which the electors of(3)P. & V. P. are named. will be a very important one in N. Carolina, and the members ought to be selected with a view to the presidential election.

God preserve you many years

NATH'L MACON.

NOTES

(1)Wm. H. Crawford.

(2)An examination of the Century Dictionary and of others, including two on "Americanisms", fails to find this word. I have enquired also of old men in Mr. Macon's county and elsewhere, without success. The meaning is sufficientfy clear. Bishop Cheshire suggests that it originated from the practice of hunting the woods for stray. or "shy", hogs, when the planter gathered in his herd in the autumn for fattening them on corn.

(3)Mr. Macon means that the members of the General Assembly would, in caucus or otherwise, nominate fifteen electors, to be voted for by the people. The election for the General Assembly was on the first Thursday in August; that for electors on the second Thursday in November. The election was by general ticket under the Act of 1815.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 16 Feb. 1823.

Sir:

The second committee(1)appointed in consequence of the letter of Gales and Seaton(2) addressed to the speaker of the H. of R,, has not yet reported, though it is understood, that this committee has not discovered a fact, that will injure the reputation of them or of Crawford; as to myself I know

nothing more than the newspapers have contained; but incline to the opinion, that the whole truth and nothing but the truth, will never be discovered; every one acquainted with the secret doings will remain unknown, if possible, especially as neith-praise nor honor is likely to be gained.

The rage for manufacturing is quite as great as it ever was for Merino sheep(3) or banks, and it is believed that the zealots, are perfectly willing to prohibit the importation from a foreign country of every article, they wish to encourage the manufacturing of in the United States.

Your friend Calhoun is reported to be training of(4) Adams, Crawford and Clay bear their training. Whether the dash made at Adams by Smyth(5) has injured him in any way I do not know; The push at Crawford by the suppressed document(6) has not altered his condition, and whether the manufacturing run has improved Clay is not understood, nor has the cause of the report of Calhoun's training(7) of been heard.

Saunders(8) write everything I expect, and this is only sent as a sort of farewell for the Session, and to put you in mind that you are not forgotten by

Your friend,

NATHL. MACON.

NOTES.

(1)Crawford was charged with administering the finances so as to gain popularity. The specifications were that he employed members of Congress to inspect the land offices, and, secondly, that he had shown improper favors to certain Western banks. A special committee reported that he was justified in his conduct.

The Secretary was called on for a special report of all his transactions with the banks. He did so, and it was found that one of the documents had been suppressed. A second committee after investigation reported that they had been unable to discover the author of the suppression, but they exonerated the Secretary, and also Messrs. Cook and Edwards, of Illinois, of the first committee, who once had possession of the missing paper. The Secretary promptly furnished a copy

of a letter of his which was the material part of the missing document. He admitted having authorized the receipt of uncurrent bank notes, but believed at the time they were good. He contended that his action increased the sale of public lands.

(2)Joseph Gales and William W. Seaton, publishers of the independent paper called the *National Intelligencer*, and of the *Annals of Congress*. They were the official printers.

(3)This rage for the importation of the Merino and of the finer wooled sheep was just after the war of 1812.

(4)Mr. Macon omits a letter. He means "training off," an expression among racing men indicating that the horse is not improving. Calhoun developed so little strength that his friends concluded not to start him. Adams, Crawford and Clay, on the contrary, bear their training so well that they will be entered for the race. It is to be noticed that Jackson is not mentioned, although he received the largest vote.

(5)Alexander Smyth, Wythe county, Va., Representative in Congress, 1817–'25 and 1827–'31. He was a general in the war of 1812. He assailed Adams, giving reasons for not supporting him for the Presidency. Adams made a reply so severe and cogent as to win friends, rather than lose them.

(6)Romulus M. Saunders, Representative from Yancey's district.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 17 Feb'y 1823.

Sir

I have this day received your letter of the 10 current, permit me to state that I have never turned my attention much to(1) the convention question, not expecting ever to be in a situation to decide on it, and always considering my rights secure, whether one should be called or not. Permit me to observe to you, that no constitution in the U. S. exactly suits me; because the patronage is in no one divided; The(2) idea of balancing a government by three departments; where one cannot receive anything from the other two and the other two can take another place from the

other, is fallacious. The thrifty part of government is that which bestows the loaves and fishes; hence in all free government, the patronage should be divided, and no member of one department, should be allowed to receive a place from another.

I do not like any qualification in voters, save a certain residence, and age, and to have paid a tax; one house ought to be sufficiently numerous to represent the people fairly, and originate every bill. The(3) other should not be numerous but old, only to revise and amend bills; for example, the Senate should not be under a given age, and those who vote for a Senator of the same age; every voter for both branches of the legislature be eligible.

I have written this in the Senate; I wrote you a day or two past, God bless you and your household

NATH'L MACON.

These hints are intended to put you to reflecting on the points.

N. M.

NOTES.

(1)The western part of the State was fiercely agitating the calling of a convention to amend the State constitution of 1776. The chief grievance was that each county sent one Senator and two Commoners. As there were many small counties in the east, that section had about two-thirds weight in both houses. The convention was called in 1835, and to a considerable extent remedied the inequality, besides making other material changes.

(2)Mr. Macon alludes to the power of the President to ap point judges and gain the favors of Congressmen by promising office.

(3)This plan of having the State Senators of a greater age than Representatives, (then called Commoners), the same age limit being applied to the voters, and giving this elderly body only powers of revision and amendment, is original with Mr. Macon, I think. The second idea is embodied in the Federal constitution in regard to bills for raising revenue.

Letter from Nath'l Macon to Mr. Barlett Yancey.

Washington 12 Dec'r 1823.

Sir

I have this day received your letter of the 7 instant; in which you state, that you had seen my letter to Mr. Robert H. Jones,(1) in which I did not say whether I should attend a caucus,(2) if there be one here during the present session of Congress; but informed him what had been my practice for many years past and I now add for the last 20 or more, and no objection that I ever heard, has been taken to it before. In the contest between Mr. Madison and Mr. Monroe, when the first named was first elected, I was neither at the caucus nor signed the protest, nor was it published in any news paper which of them I preferred, yet every one knew for whom I should vote; and that election was considered as important, as the one now depending, because it was then declared that the Feds would support Mr. Monroe, and it was known that a part of the Republicans would.

I have more than a year past reflected much whether my attending a caucus, would do good or harm, as it regards the election of Mr. Crawford, and am fully convinced it would do no good and might do much harm. If I attend; might it not, nay would it not be said, that after having refused more than 20 years and that too in the troublesome time of war and the Hartford convention, that now in time of peace the principles or practice is changed; and that every man has his price, and that Crawford, the master intriguer, is the first and only one, who has been able to find and touch the chord which produced the change and is it not known, that I am neither for the new Tariff to encourage manufactures, nor for the plan of internal improvement by the federal government, nor a member of the colonizing(3) society, and each of these will have weight in the election; a change at this time would give rise to suspicions, that a promise or bargain existed on one or more of these subjects, or that a plan was expected or wanted.

Reflect much and consider well, before you decide what another ought to do; if I have the national influence, which you suppose, by what means has it been obtained, not I am sure, by pursuing the opin-

ions of others. But in truth I have no influence nor never had, and my opinions are become too old fashioned for the present time; they are out of fashion and called, the old school; Mr. Jefferson is probably the only man, that has national influence, and the new notions a float about the tariff and internal improvements by the federal government has I apprehend diminished his a good deal.

I have as you and everybody else knows, been in Congress with Mr. Crawford all the time, that he was a member but never in the same house with him. His talents, independence, firmness and honesty I never heard doubted by a single member who served with him; his republicanism was not then questioned, nor do I recollect but one vote of his, which was thought to be at variance, with the old republican doctrine, and that was to renew the charter of the first Bank of the U. S., and that certainly would have been better than establishing the present one; he was a zealous advocate for the declaration of war, and had to exert himself to get it carried through the senate. I lived several Sessions at the same boarding house with him and have been on the most friendly terms since our first acquaintance and intend to vote for him against any candidate yet named, for the next president; but it really seems useless to write all this to you, who know him as well as I do.

(4) As to the vote of New York a gentleman of that State referred me, to a statement, he had given Saunders for you; it is understood that Pennsylvania(5) will support the caucus nomination if one be made, without such a nomination doubtful, Mr. Gallatin and the old republicans support Mr. Crawford. The opinion of Governor Schultz not heard by me.

I will make a single observation of the instructions you mention, which is this. The principal instructs the agent, not in the character of agent but an individual. Every citizen in the U. S. has right to recommend, to the people any person he pleases for the next president if such person be qualified according to the constitution. The members of Congress or any other people may recommend a man for President; all have the same right.

I have often in my life had to regret differing in

opinion with my friends, and never was it more unpleasant or disagreeable than in the present case; and all that I shall now say, is that I have not yet decided to attend the caucus.

Permit me, before I close to remark on the following words in your letter; *It is time for you to come out plain to your friends on this subject.*–I never did otherwise; responsibility I never dreaded, and invariably followed my own opinions. My letter to Jones was an answer to one from him; and sufficiently plain to convince you both that I had not decided at the time it was wrote, to attend a caucus; and that was all, which was intended to be conveyed; I beg of you to believe, that these remarks are only made to justify myself, and not to impute an unfriendly thought to you; to pass them in silencc, would seem to admit, that they were just.

I expect every man in North Carolina knows, that I prefer Crawford to any of the named candidates; and it may be, that most of the editors of the newspapers know it, as it has been stated in the register(6) printed in Raleigh without having the information from me; I mention this, because I am not writing for publication or print; you may let whoever you please read it.

I have not written to you before and it was because I was certain that Saunders would advise you of the doings here, and I have been out so seldom, that I see nor hear nothing of the busy men or their doings, for all plans have busy men.

Crawford(7) is still very low, and mends very slow, when he will be able to attend to the whole duties of his office, is uncertain; his children have the measles; It would gratify me very much, that you or Jones would now and then give me line:

The(8) opinion of General Jackson about the constitutionality of the U. S. banks, I do not know; all the other candidates for the presidency, were in favor of the last.

My great objection to attending a caucus, is that the minority yield their opinion, and support what they disapprove, for example; Suppose I attend and a majority prefer one of the other candidates to Craw-

ford, nay the one, to whom I have the greatest objection;

Believe me to be

With great regard and esteem

Sir— Yr. ob'l Serv't

NATH'L MACON.

NOTES.

(1)Robert H. Jones was Attorney General of North Carolina in 1828 by appointment of Gov. Owen, was defeated before the Legislature by Romulus M. Saunders. He was afterwards a member of the State Legislature from Warren.

(2)The caucus of 1824 was attended by only sixty members. Two others sent proxies. Crawford received sixty-four votes; Adams two, Jackson one and Macon one. Albert Gallatin for Vice President received fifty-seven votes. In the North Carolina Legislature Charles F. Fisher, an ardent friend of Calhoun, introduced resolutions denouncing Congressional caucuses, firstly, as impliedly against the constitution, which gives the choice of President to electors chosen as therein prescribed; secondly, because the election might possibly devolve on the House of Representatives and it is wrong for them to commit themselves beforehand. The resolutions were debated at length and with great ability in the House of Commons and were defeated by the decisive vote of 82 to 46. The debate was printed in pamphlet form.

(3)The national Colonization Society was started in 1816. Branches were soon established in almost every State. Much interest was felt in it until the Abolition party began its career in 1831. The Republic of Liberia is an outcome of its efforts.

(4)In New York the choice of electors was by the Legislature. After many ballots a compromise ticket was passed, viz: 25 for Adams, 7 for Clay and 4 for Crawford, but 3 of the Clay men deserted him and voted one each for Jackson, Adams and Crawford.

(5)A convention of the people held at Harrisburg nominated Jackson, with only one dissenting. Governor Schlutz prob-

ably went with the rest. Calhoun was named for Vice President.

(6)The Raleigh Register was the Republican organ in Raleigh. It was edited by Joseph Gales, a refugee from Sheffield, England, where as Secretary of the Constitutional Society, and editor of the Sheffield Register, he was threatened with imprisonment, at a time when the Habeas Corpus Act was suspended, for criticising too freely the conduct of the administration. He was induced by the advice of prominent Jeffersonians to start a newspaper in Raleigh in opposition to the Minerva, edited by Wm. Boylan, a Federalist. The first number was issued in the latter part of 1799 and was continued without interruption for about sixty years, for a short while his son-in-law, W. W. Seaton, being his partner, and after his death by his son, Weston Raleigh Gales, and, when he died, by his grandson, Seaton Gales. A file of this paper is in the State Library at Raleigh.

(7)Crawford, while hunting in Virginia on a very hot day, had a severe attack of sickness which left his body weakened, and, as many thought, his mind impaired. He was probably never afterwards strong enough to perform properly the duties of President.

(8)In his first message, 1829, Jackson expressed doubt of the Constitutionality of the Bank charter, although the Supreme Court in McCulloch vs. Maryland in 1819 decided in favor of its validity.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 26 Dec'r 1824

Sir

I have been desirous of writing to you since my arrival, but in truth there has been nothing worth communicating, nor have I at this time a single fact or incident worthy notice. Very soon after getting here one of the representatives of N. C. asked me what I thought the friends of Crawford ought to do; this question was put in the presence of two or three others of our brethren; the answer was do nor say

nothing, by a union you have been defeated let the victors(1) try to decide who shall be president, because you may at any time, take your choice if you think proper of those you do not approve.

The president appears to be in a fine humor and good spirits. Crawford's health seems to be good, and he is as fat as I ever saw him; though he has now an impediment in his speech, very much like that of Tucker(2) the Treasurer.

How the industrious go on, in electioneering for the president, though I have heard some who supported the ticket against Crawford say, they feared very much one of the Union candidates would be elected and that they never wanted him.

The republican party and their principles are I fear out of fashion, though something like a revival, seems to be taking place in South Carolina, at least in their Legislature. If Congress can make banks, roads and canals under the constitution; they can free any slave(3) in the United States, so I long since have told you, and so I formerly told Calhoun, and often I believe in yonr presence and that of others. The spirit of emancipating with those who have no slaves, never dies, it may sleep now and then rest only awake more vigorous; early in Congess I discovered or thought I did a desire to meddle with the conditions of the slaves, and every debate since, in which they have been mentioned stronger and stronger ground has been taken; to free them in the south, would be the means of destroying either the blacks or whites, as at San Domingo.

Suppose that Congress had complete power to make internal improvements and that each state had also a complete power, would it be the interest of N. C for Congress to undertake it; would she not by the plan of Calhoun, pay vastly more for improvements in other states, than would or I might say could properly be laid out in her; taking the federal members(4) as the rule to to find the proportion each ought to pay; her proportion of a single canal contemplated, would at least be treble what would be laid out for her; to make us pay for the improvements of others, has not appeared right or just to me, admitting the power in Congress, which however is denied,

I pray you to examine and re-examine the constitution on these very interesting points.

When will you finish the purchase of the divided tract of land on the river, parts of which you have been buying for several years past, and build a house on it or somewhere else; for I suppose you like every other person, are desirous of one two-story high.

The main object of beginning this letter should now be stated, which is this to give Mrs. Yancey and all your children the right hand of fellowship and goodwill for

Yr. friend
NATH. MACON

New parties, will I suspect rise in the Unted States not founded like the old, on the construction of the constitution; that may in part divide them. They may I fear be like the parties, in a few states, rather the followers of men than principles; principles however may be mixed with the admiration of the men but the love of a snug office is apt to attach to such parties.

I did not enquire about the land and house, to satisfy an idle curiosity; or improper desire to know the affairs of yourself or anybody else, but with a view to guess, when it would suit you to be here again.

Every member of the assembly who supported Crawford ought to go to the assembly again if they can be elected; they ought not to give up the ship; if you wish ever to be a public character here remain in the assembly. The present representatives of N. C. who support Crawford ought to follow the plan laid down for members of assembly.

I went to Weldon last fall at the stockholders of the Roanoke navigation(5), in the hope of meeting you, Saunders and some others there, and was entirely disappointed in not seeing either of you, I caught 12 foxes before I left home; eat of the venison of 5 wild deer; last year I had a part of 9.

My tobacco much injured by the rain; corn pretty good considering the land is poor.

I know nothing more of Capt. Porter's doings in Porto Rico(6) than may be seen in the enclosed paper in a piece signed John Hampden; in the constitution formed in 1776, are these words, standing armies in time of peace are dangerous, or some very like them;

regular forces whether armies or navies generally prefer war to peace, war gives an opportunity for fame and glory. The power to declare war is given to Congress, but why give it to that body, if an officer, may fight when he pleases, not so in the time of Jefferson. N. M.

NOTES.

(1)Congress met on the 6th of December, 1824. There was much excitement about the coming contest in the House for the Presidency. In Febuary, 1825, on counting the electoral votes, Jackson received 99 votes, Adams 84, Crawford 41 and Clay 37. The House could only vote for the first three. The Clay men voted for Adams and elected him.

(2)Thomas Tudor Tucker, Treasurer of the United States from 1810 to his death in 1828. He was a native of Bermuda, settled in South Carolina; Representative in the Congress of the United States, 1789–'93.

(3)As Mr. Macon's district had many slaves and slave-owners in it, this argument was naturally potent with his constituents. It was composed of the counties of Granville, Franklin, Warren and Nash.

(4)"Federal numbers" were all free persons and three fifths of the slaves.

(5)The Roanoke Navigation Company was chartered to dig a canal around the falls of the river and make it navigable above Weldon. The State had stock in it.

(6)Commodore David Porter, who had distinguished him-in the war of 1812, was ordered to clear the West Indies of pirates, who found a welcome in some of the harbors of Cuba and Porto Rico. He landed a force in Porto Rico for the pursuit and captured of some of these robbers. He was tried by court martial, first, for disobeying the orders of the President, and, second, for invading the territory of Spain, with which nation we were at peace. His defence was that his action was necessary for suppressing piracy. He was convicted and sentenced to suspension for six months. He resigned from our navy in disgust and took charge of the Mexican navy with a salary of $25,000. When Jackson became President he ap-

pointed Porter Consul to the Barbary States and then Minister to Turkey.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 25 Jany 1825.

Sir

It seems that a majority of the members of Assembly of several of the Western states(1) prefer Henry Clay for the next President. A party in Maine(2) have recommended Adams for the appointment. how these expressions of opinion have been brought about, I am entirely ignorant; be it as it may, the indication is unfavorable to Crawford I apprehend, aud will make exertions necessary to his election; in the early part of the Session, it was supposed that his chance was the best; whether it be so now is rather more uncertain, indeed the probability is, that he has not gained during the present session. New York is still pretty silent, though I have understood, that the paper called the American, has come out for Adams.

(3)Saunders I expect, knows more of the doings of the next presidential election than I do, as he some times goes out, and I never do.

The enclosed paper is sent that you may read an agricultural production.

Give Mrs. Yancey my good will, tell your children I wish them well, and believe me

Yr friend
NATHL. MACON.

NOTES.

(1)The Kentucky and Ohio Legislatures nominated Clay.

(2)The General Assembly of Maine nominated Adams.

(3)Romulus M. Saunders, a Representative from North Carolina in the district in which Yancey lived. He afterwards removed to Raleigh and represented the "Metropolitan district", as it was called.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 15 May 1825.

Sir

Your letter of the 17-instant has beeen received ;

you know how a Session ends, I am too tired and too busy to write, and have something to do before starting tomorow

God bless you and yours
Nath'l Macon.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 8 Dec'r 1825.

Sir

The message of the President, seems to claim all the power to the federal Government, which has heretofore produced so much debate, and which the election of Mr. Jefferson was supposed to have settled; but so it is, that a decision against power in the Government is no precedent, while one in favor of it is, hence all governments are apt to gain power, to which the Governors do not often object; Mr. Madison(1) rejected an act for internal improvement, and Mr. Monroe(2) rejected one to put gates on the Cumberland road; though he admitted the power to give money, or to take share in companies established by the states for internal improvement; but of what avail are these, if another president decide differently and a majority in Congress agree with him; I never think of these claims of power, which appear to me, not to be granted, but I shudder for the states, whose population is not of the same character, to be plaln I mean the states where slavery exists; I pray you examine again the Constitution, with the sole view to decide, whether if Congress can establish a bank or make roads and canals, whether Congress cannot also free every slave in the several states, there is no clause in the constitution forbidding it, there is one to prevent the states protectiug slaves, that have run away; the spirit of emancipation is more stroug & enthusiastic than that for internal improvement, it may sleep, but it never dies, it has been adopted by religious societies, with a zeal not like to tire, besides abolition and colonizing societies abound; when reflecting on this subject, the new continental(4) American governments as well as San Domingo present themselves to the mind, the first is understood to consist of people of every color, and the last of blacks, the effect of color is felt by every person, perhaps

more easily felt, than described; color is mentioned only with a view to San Domingo.

The strange(4) kind of acknowledgement which France has made of the Independence of San Domingo, must have some particular meaning, and that may be, to place the two Governments hereafter on the most friendly & intimate terms; France by being thus friendly with the Island may calculate, if war should take place, between her & her old rival, to operate on the British West Indies, by the forces of the Island; and it is not improbable, that the situation of San Domingo gave rise to the enquiry in the British parliament, touching the slaves in the West Indes and it may be remarked, that the great object of the Colonies to Great Britain, is the profit of trade with them, profit is probably more thought of than color or the Inhabitants It is hardly necessary to add, that France might use in case of need the forces of San Domingo against the U. S. in the same way she might against Jamaica.

Whether the whites and the blacks can live peaceably and happy in the same country, where the numbers are nearly equal, is a problem yet to be solved, & the difficulty of the solution. will be increased by the different grades each may have held in the country, while one were free & others not.

Permit me to add, though not immediately connected with the subject before mentioned, that it is not the character of the laborers, which has injured the country, but the kind of crop cultivated, corn, cotton and tobacco all require much ploughing, & a clear cultivation, which prepares the land, to be washed away by heavy & hasty rains, The character of the laborer whether free or slave is not connected with it, nor ought it to be forgotten that many of the state Legislatures have passed resolutions against slavery which are published and re-published again & again: It is made piracy by the laws of the U. S. to bring a slave from Africa, what then is it, to hold one on land being a descendant of an African(5). A debate(6) about thirty years past in the H. of R. compelled me to believe that there were some people, who then thought, that Congress might legislate on the condition of the slaves, & no circumstance has taken

place since to induce a change of that belief. The question with us, is not an original question of slavery or not slavery; but what is the power of the federal Government; The power to authorize banks, roads & canals. was not claimed, as well as I recollect by the authors of the book, now called the federalist, nor do I recollect that a single remark or observation of any person called a federalist was made which could be construed to claim this power, while the constitution was under consideration.

I am with great regard and esteem
Sir
Yr obt servt & friend
NATH'L. MACON.

NOTES.

(1)In December, 1816, Calhoun, as chairman, introduced a bill to set apart dividends and bonus of the National Bank for roads and canals. After long debate it passed with some amendments. Madison vetoed it on the last day of the session.

(2)In May, 1821, Monroe vetoed a bill for the preservation of the Cumberland road.

(3)The fears of Mr. Macon that Congress would interpret the Constitution to give it power to emancipate slaves were not realized. They were freed in part as a war measure, but chiefly by an amendment to the Constitution, which the states which attempted secession were virtually forced to ratify. Congress emancipated those in the District of Columbia because it had exclusive legislation over it.

(4)In 1795 Spain ceded San Domingo to France. In 1801 the blacks, headed by Toussaint Louverture, drove out the French. In 1802 Napoleon sent an army under General Leclerc to subdue the island, but it only partially succeeded, being ruined by yellow fever. Napoleon intended, having induced Spain to cede to France the Louisiana Territory, to make a grand colony of the same with San Domingo attached, but on breaking out of the war with England, sold the Louisiana territory to the United States. In 1809 England, having captured it, gave San Domingo to Spain. In 1822 Boyer, President of Hayti, occupied it and the whole island was

under the rule of Africans, under the name of the Republic of Hayti. In 1844 the San Domingo part was erected into the Dominican Republic. Mr. Macon seems to fear a possible revival of Napoleon's scheme. The horrible massacres of the whites in San Domingo and Hayti and the emancipation of slaves in the Spanish possessions, which had recently gained their independence, were thought by the slave-holders of the United States to be causes of unrest among their slaves.

(5)By Act passed in 1820.

(6)Mr. Wilson's paper *supra* explains this statement. I add that, in common with most Southern people, Mr. Macon was fully persuaded that negroes, if freed, would resort to robbery and theft, if not arson and murder, and thus emancipation would ruin both whites and blacks. They thought that the Abolition party was seeking to bring on them, their wives and children, such woes as the soldiers of Tilly inflicted on Magdeburg and savage Indians on the settlers in the Wyoming valley. The slaves of 1820 had much more of the savage nature than those of 1860. Forty years of civilizing influences did good work.

Letter from Nathaniel Macon to Mr. Bartlett Yancey.

Washington 29 Jan'y 1826

Sir

(1)Captain Otway Burns of Beaufort is now here, & has delivered me your letter of the 3-instant, that of the 18 has also been received;It is a misfortune that the bill (2) concerning free negroes did not become a law, there is no place for them,in places where slaves are numerous, & if they are permitted to come into the state, the adjoining states will furnish more emigrants of them, than an opposer of the bill would be willing to receive

The particular friends of the administration, make more noise about an opposition, than any others, in truth, it may be doubted, whether the materials to form one, could be found in Congress,those who were not pleased with the election of the president, or the manner in which it was done, do not agree, in the person, they desired to be elected, nor do they agree

in their political principles; hence no unity of action can be expected, because they do not agree about measures or men. Among the supporters of each candidate for the presidency, was to be found every cast of political character, agreeing in nothing, except the man, who ought to be elected.

If there is a serious opposition circumstances must produce it.

It is reported. & I believe truly, that a new treaty has been made, with the (3)anti-McIntosh party, of the Creeks, which will probably be laid before the Senate in a few days; It is to be expected that a part of the land, here tofore acquired by the last treaty must have been given up, if so, it will raise a new question something like this, whether after the Indian title to land be extinguished in a state, the U. S. can again vest the same title in the Indians, and whether the executive can or ought to inquire into the facts of civil matters, by a military tribunal

The present Congress. as has I believed been stated to you before, does not afford a rule, by which to judge of public opinion, on the presidential election because most of the elections were made, before that. This wil give the administration two years to prepare for the next election of Congress, which is certainly no small advantage, and as the executive patronage may be increased, so will be increased, the advantages of preparing for it. The number of cadets to the military academy may be increased, and the erection of a (4)naval academy will add largely to it. The effect of patronage may be seen in Great Britain & must sooner or later be felt in the United States, nor would(5) light houses of the sky prevent its being felt.

A Government which has complete power over the purse and sword, with a patronage of millions of dollars, cannot easily be kept in check, by a constitution which by construction or implication can be made to mean whatever a majority may deem expedient or convenient; Remember that every person, who receives public money for services rendered, except the members of Congress, and the officers of the two houses & the judges of the courts, receive it at & by the will of the executive, and that whoever is president, has been supported by most if not all who thus receive the

public money, where one has failed to do this in former times, he has been dismissed.

Of all schemes ever devised to increase the power of the executive, that of internal improvement is by far the most tremendous, because, it operates on all; both the rich & the poor consider it a power exercised for their benefit, and all expect an improvement near their land, by which they are to add greatly to their property and all who are in debt, expect a good contract, by which they are to pay their debts, & make a fortune. One indebted expects relief from every change, in public affairs; people in debt are generally discontented, hence the difficulty of legislating to their satisfaction, & hence the origin of stop laws

I incline to the opinion, that those who consider themselves the friends of the administration, will not generally vote for the (6) amendment to the constitution, to change the mode of electing the president, which has been reported to the Senate; besides these there are members, who will not vote for a district system. It may not be difficult, to induce the first to believe, that the plan is now intended particularly for the next presidentlal election, though it has been before Congress many years, never twice, I believe exactly in the same form.

Will you be so good as to state to me, as soon as you can conveniently, such(7) reasons as have occurred to you or were used in the General Assembly, for adopting the resolutions claiming pay of the U. S. for the Indian reservations in N. Carolina, The U. S. were under no obligation to extinguish the Indian title within the limits of the state, it was a mere gratuity. The U. S. notwithstanding the decision(8) of the court, cannot grant a fee simple estate to land in a state, where the U. S. have no right to the soil.

Remember me in the most friendly manner to Mrs. Yancey, and all your children, whether I ever see them again or not, they will have the good will, esteem & respect of

Your friend
Nath'l Macon.

I cannot now decide, what I may do next snmmer, be assured it would please me to be at your house.

NOTES.

(1)Captain Otway Burns was a successful privateer in the War of 1812, commanding the Snap Dragon. His prizes were brought into the ports of North Carolina. After this he was often State Senator and Representative from Carteret County. He voted with the West in securing the Convention of 1835 and hence the county seat of Yancey was named Burnsville in his honor.

(2)The act excluding from settling in North Carolina free negroes from other states was passed in 1826. Emancipation of slaves was allowed for meritorious services up to 1830. Then an act was passed requiring those emancipated to leave the state in ninety days.

(3)The Creeks in 1825 held a meeting at Tuckebachee and resolved to sell no lands, making it punishable with death for any chief to agree to such cession. At Indian Springs certain chiefs, headed by McIntosh, assumed to sell to the United States substantially all the land of the Creeks in the limits of Georgia, in consideration of $400,000 and a reservation beyond the Mississippi. Monroe approved and the Senate after he went out of office confirmed the treaty. The Creeks, then put to death three chiefs, who agreed to it, McIntosh, Tustunugge and Hawkins. When Adams became President he summoned the surviving chiefs to Washington, and, being satisfied that the Yellow Springs treaty was fraudulent, agreed to by only one fiftieth of the Indians, negotiated a new treaty, which was duly ratified, by which they ceded a large area but much less than in the former one. The President had sent General Gaines with troops to Georgia with especial reference to pacifying the Indians. Georgia, headed by Governor Troup, was furious at the abandonment of the first treaty. Finally in 1828 another was made which provided for the cession of the Creek lands and the transfer of their owners to the Indian Territory. The Cherokee Iudian question was not finally settled until 1835.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 15 Feb'y 1826

Sir

Your letter of the 7 instant has been received. I wish the reasons you have furnished, may be deemed entirely satisfactory to Congress, and that the claim by N. C.(1) may be allowed, and that she may get the money advanced for the Indian land, I however still entertain some doubts, of the kind stated in my last.

The Panama business(2) not yet settled; pensions granted with more ease, than heretofore; and a sufficient desire to speak has been manifested, some alteration may be made in the court system, and the friends of a bankrupt law are in good spirits and calculate on passing an act for that purpose.

I have had the influenza twice since being here which tired me, more than ever of being here. Indeed I begin to think, my hearing fails me since faster than before, & my sight is so injured, that I cannot read newspaper print by candle light, and good print soon makes them matter and water run out. In truth I begin to apprehend that I am getting too old for Congress. Let me tell you what I heard the other day. A judge of a court(3) of good standing for talents and uprightness, when somewhat advanced in years, say between 65 and 70, consulted the bar, to ascertain whether age had not unfitted him for the office, every member gave an opinion that it had not, & earnestly requested him to continue on the bench, he agreed on this condition, that whenever the time arrived, and he was unfit they should communicate the fact to him, which he would consider the most friendly act, that could be done; in a few years he became unfit, & the bar deputed a few of the oldest and most respectable members, to inform him agreeable to his request, he heard them not very patiently and immediately answered they were mistaken, & that he never was more fit in his life.—(Suffer me to add that my memory is also failing fast.)

Now on this subject of age. I wish much to see you and consult you, it is due to the state, & to myself not to be here after time may have made her inroads too strong on my faculties; no citizen can owe

more service to the people & to the Legislature of the state than I do, nor could one be more willing to render service, while he was able, my thanks and gratitude to both are unbounded.

Present my best respects to Mrs. Yancey & all your family & believe me

Your friend
NATH'L MACON.

NOTES.

(1)This has been explained *supra*. I feel sure the claim was not allowed. Mr. Macon evidently did not favor it.

(2)The Panama Congress was proposed by General Bolivar, to establish commercial intercourse, rules of international law, and enforce the Monroe doctrine. President Adams and Secretary of State Clay favored it, but there was fierce opposition in Congress. Finally John Sergeant, of Pennsylvania, and Richard C. Anderson, of Kentucky, with Wm. B. Rochester, New York, as Secretary, were sent as commissioners. Anderson died on the way. The Congress adjourned to another meeting before Sergeant reached Panama. Civil war in the newly erected republics ensued and no other meeting was held. The opposition charged that the President was seeking to commit the United States to entangling alliances.

(3)This story is so similar to that of the Archbishop and Gil Blas as to suggest the possibility that it was a conscious adaptation of the Spanish fiction.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 31 March 1826

Sir

No event has lately taken place, which hasgiven me so much satisfaction, as you declining to accept the mission to Peru, the offer was no doubt intended, for the purpose of dividing, and conquering those who supported Crawford at the last Presidential election. The refusal was what I should have expected, had I have known of the offer before I read your letter to Saunders. I am not informed that any of your friends here were consulted about the appointment. As soon

as I read your letter, I wrote you a line or two, which was all that could be for that mail.

The administration seems to have a pretty strong & well fixed majority in both houses of Congress(1), and nearly all the newspapers are understood to support it; These facts, fully demonstrate the effort and power of patronage(2), which I fear it is not possible to diminish, especially as long as people are in debt and had rather have a snug place, called office, to support them than to labor in the field, or a profession, or even to sell goods. The people are not altogether to blame for this situation, the legislatures ought to bear a full share, because they tempted them by creating debt offices, denominated banks. Eve probably would not have sinned, had she not been tempted; & lead us not into temptation, is the wisest prayer ever uttered.

The advertising and publishing the laws by the administration, gives it a monstrous influence with the editors of the news papers; they stick to it, like men who have failed in business or brought up to a profession in which they did not or could not succeed, or like those who spend the estate, their parents made & gave them, all these stick to it, so fast, that it is next to impossible to separate them from it; a place & nothing else will satisfy them, they are never really denied, but receive words, sufficiently comfortable to induce them to hope, to praise & to hang on.

The talents(3) in the Senate are certainly not in favor of the administration, yet all its measures have been approved, not by the form of argument, but votes.

I have been of late much troubled with a bleeding from the nose, & and have been the greater part of the session very hoarse. This is mentioned in connexion with a subject mentioned to you some time past. If you was not in the legislature, who would fill your useful stand there; it is an important consideration and deserves much useful reflection.

The supporters of Adams & Jackson will probably split in every state, those of either party who were mere office hunters, will cling to the one supposed to be strongest; I mention this that you may take it into view when you think of N. C. affairs; The present administration will, it is

thought use the patronage to gain friends, and probably that of the General if he should be elected at the next election, will be to provide for friends.

There are tbree things which produce almost of themselves, power begets power, money begets money, & patronage begets patronage, and one of them well managed, will generally beget the other two.

The next presidential contest, will probably be between A. and J.—I have often been asked, which I should support if only these two were up, I answered it was time enough to decide, that unless A. changed his measures, I should not support him, and that I did not wish to see J. President, and that I did not at this time mean to commit myself to support either, but to wait until time made it necessary to determine.

The book of Judges ought to be attentively read by every man in the U. S. to see the terrible effect on the Israelites for departing from the laws, which was their constitution, and so ought the book of Samuel & Kings, indeed the whole bible contains great knowledge of the principles of Government. The rising generation forget the principles and maxims of their forefathers, hence the destruction of free governments in every age, of what benefit was the law to the children of Israel when they departed from it, or what benefit is written constitutions if they be departed from; the wise maxims they may contain are useless, perhaps worse than useless, if not adhered to because honest people abide by them, and others do not.

It is very probable, that that my letters now may contain nothing new, having so often written you on public affairs; but they afford me an opportunity of expressing, my earnest desire to be remembered to your kind family in the most friendly terms, and to assure you that I am

Your friend
NATH'L MACON.

NOTES.

(1)Tucker, in his excellent history of the United States, says, "His (Adams') administration was, from the beginning to the end, assailed by the most numerous and the strongest opposition that any administration had experienced. A ma-

jority of the House of Representatives and almost one half of the Senate, were its open uncompromising opponents." Again, "when Mr. Adams went into office, he was supported by a large minority of the nation; and after wielding the power and patronage of the Executive for four years with an able cabinet to support and advise him, that minority was diminished instead of being increased." So it appears that Mr. Macon was mistaken. Some statesmen are of opinion that the gaining of one friend by an office alienates numbers, who are disappointed.

(2)In regard to Adams, Tucker says, "In public appointments the qualifications of the functionary were scrupulously looked into. No administration could have acted with more purity and uprightness."

The prediction of Mr. Macon about Jackson's policy was abundantly verified. His wholesale removals were defended on the ground that he believed the officials had used their influence against him. In his opinion no one could be anti-Jackson and honest.

(3)There were, among other able men, William R. King, of Alabama, afterwards Vice President, Thomas Clayton, of Dalaware, John M. Berrien of Georgia, Richard M. Johnson of Kentucky, afterwards Vice President, Thomas H. Benton of Missouri, Levi Woodbury of New Hampshire, Mahlon Dickerson of New Jersey, Martin Van Buren of New York, afterwards President, John Branch and Nathaniel Macon of North Carolina, Wm. Henry Harrison of Ohio, afterwards President, Robert Y. Hayne of South Carolina, John H. Eaton and Hugh L. White of Tennessee, John Randolph and Littleton Waller Tazewell, of Virginia. Daniel Webster was then in the House, entered the Senate in 1827. John C. Calhoun was Vice President.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 16 Ap,il 1826.

Sir

Yesterday I received your letter of the 6-instant; I have before written you, my opinion of your

not accepting the offer to go to Peru, you acted as a Carolinian ought to have done; I was not pleased that the late Governor Miller(1), applied for the place to Guatimala, and consented to take so low a grade, though no one generally cares about the baubles of grade & ettiquette than I do; yet whenever substance is attached to them, nothing should be yielded; after being so long overlooked or forgot, a Carolinian should not take inferior stations in the federal government, though I am satisfied there was from the state, more than 20 applicants for the place, which Col. John Williams of Tennessee now fills, and the place would have been quite enough for some of them, indeed it might have suited some of them, as well or better than they would have filled it.

The administration might have got along probably tolerable well, had it been contented to have travelled a plain and known road. But the Panama trip(3), & the visit to the sky, & the attempt to make the constitutional way as wide as the world, has and will embarrass it; The men in it are not equal to the task of doing these things, Adams is learned and Clay has genius, but prudence and discretion are wanted, they never go on smoothly, & every trial to mend, is apt to make worse, until new hands are employed, who are contented with doing well, & will not give up well, to look for better.

It seems me, that the two parties now contending for power have the same political principles. The contest is whether A. or J.(4) shall be the next president. A. has made a bad beginning; unless he alters for the better, he will not I think get many votes to the south; though I mean not to decide between them, until it is time to think of voting.

Congress agreed yesterday to adjourn on the 22 of next month.

Yov want a letter in detail, in truth I know of no detail to be given here, which is not in every newspaper, so that I cannot give it, you must apply to Saunders or Mangum(5) for it. I never go out, and of course hear none of the tales which may be circulated. among or by those who practice shyhogging.

Tender to Mrs. Yancey the best respects of

Your friend, NATHL. MACON.

NOTES.

(1)William Miller, Warren county, student of the University of North Carolina, 1802. Attorney General of North Carolina, 1810. Speaker of the House of Commons 1812-1813. Governor 1814–1816. Chargé d'Affaires to Guatemala 1825. Died 1825.

(2)John Williams of Tennessee, brother of Lewis Williams (the father of the House). Lawyer. Colonel of a regiment of Kentucky cavaly in the war of 1812, afterwards of the 34th U. S. Infantry. U. S. Senator 1815–'23. Chargé d'Affaires to Central America 1825–'26. Refused seat on the Supreme Court of Tennessee. Died 1827. Born in Surry county, North Carolina.

(3)Adams claimed the right to send delegates to the Congress at Panama, with the advice and consent of the Senate. The opposition contended that it was inexpedient. The "visit to the sky" refers to the metaphor in the President's message which compares astronomical observatories to light houses of the sky, as was heretofore stated. We must assume that Mr. Macon was thinking of the want of constitutional power to establish a national observatory, and that he was not joining in the usual sarcasm against the utterance as a false and extravagant figure of speech.

(4)There was much speculation as to whether Jackson favored a protective tariff and internal improvements by the general government. The Senate of Indiana asked him the question. He referred to a letter written four years before to Dr. L. H. Coleman, of North Carolina. This letter dodged the question, said he was in favor of a "judicious tariff." Mr. Macon was not satisfied with his position.

(5)Willie Person Mangum, then Representative. The first name is pronounced Wi-ly.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 24th Dec'r 1826.

Sir

Yesterday I received your letter of the 14 instant; no(1) two messages can be more unlike, as you

justly observe, than those of the present President, and both are much praised, but praise seems to be the order of the day, and like that on the State of the Union is the order for every day; The disposition to praise those in power, whether deserved or not, grows out of the paper(2) system which has been adopted by the States and the United States; The banks of the U. S. depend on the federal government for the circulation of its notes; and the banks of the several States depend in a great measure on the bank of the U. S. for a general circulation of theirs, for example the paper of a state bank, which the U. S. bank will take will be received by the government of the U. S. Most if not all our evils originate in the paper systems, and so does those of the unfortunate and hard working people of Great Britain, they feel now, what the people must feel, wherever the paper system is much extended.

I most perfectly agree with you, about the last administration, to repeat your sentiments would be useless to you. I will however say or rather state it as my opinion that Mr. Crawford done more, to place Monroe in the presidential chair, than any other man; in his elevation all the late aspirants for the presidency, and those who now look for it hereafter agreed.

To a man indebted, a snug place is a good and convenient situation, and in proportion as the people are in debt, so is the application for office, and the influence of the executive is increased by every application.

The death of Jefferson and Adams on the same day, will no doubt assist the present chief at the next election; his friends and those of his opponent are already very busy, and both parties claim to be sure of success.

(3)Strike while the iron is hot, was never more completely verified than in the trade to the British West Indies; it was in our power, by passing a law to meet the act of Parliament, but it was preferred to have it by treaty; The law was not passed, and negotiations failed.

A great effort(4) will be made for the U. States Government to pay for French spoliations; if it succeed, it will add the amount to the public debt. The desire to pay that debt is daily diminishing, notwithstanding the condition of England.

The woollen(5) manufacturers have had a great meeting, at which it was determined to petition Congress for more encouragement. The *growers* of wool united with them. The burthens of the Government have and will continue to fall most heavy on the cultivators of cotton and tobacco; it is probable that in deciding whether more encouragement shall be given, the effect it may have on presidential election may be considered by the friends of the men in power, but on this point, many on both sides agree as to the encouragement.

If the revenue(6) should fall short of the estimate for 1827, new taxes will hardly be attempted but probably a resort to loans will be had, which no doubt will add to the value of the U. S. B. stock.

Crawford's(7) health is not good, I incline to think, that those of his friends who see him most often, doubt whether he will ever perfectly recover. Calhoun is well, and I expect very busy, but I know nothing of his movements or intentions except, that he is very hostile to the administration which I believe attacked him, or rather the news papers, which support it did, before those which support him, attacked the administration; I however do not often see the papers on either side, though I understand they are warm enough.

My crop was not more than a third of an average one; most of my neighbors are not better off, on the low ground they were pretty good.

(8)The friends of the bankrupt bill seem to be very certain of its becoming law this Session; if it should, it will add to the patronage of the executive, a bankrupt law in operation systematizes cheating and perjury, and often produces law suits in Equity that are almost endless.

Your friend,
NATH'L MACON.

NOTES.

(1)President Adams grew stronger and stronger in favor of internal improvements by the federal government, and of protective tariffs. His followers and those of Clay united and took the name of National Republicans, afterwards changed to Whigs.

(2)By the "paper system" is meant the issue of bank notes. It was usual to ascribe the crisis of 1819 and that of 1825 to the abuses of banking. Besides the United States bank with its 18 branches, there were, in addition to those in other States, 23 banks in Virginia, North and South Carolina and Georgia in 1815. In 1818 there were 43 in Kentucky, 10 in Tennessee, 8 in Ohio. Notes were issued without limit, On April 1st, 1819, the United States Bank had $6,000,000 notes out and only $126,745 specie in the vaults and $514,000 in transitu. Counting the latter the notes were about ten times the specie, whereas safety requires not more than three times. The note circulation of the whole country was in 1812 about $45,000,000; in 1817, $100,000,000; in '19 $45,000,000. The great contraction from 1817 to 1819 was due to the banks curtailing discounts to save themselves. Thousands were ruined by the process. Mr. Macon's hostility seems justified as the management then was.

(3)Great Britain claimed a monopoly of the commerce of her colonies. The United States claimed mutual reciprocity. After the war of 1812 all direct trade in American vessels to the British West Indies was prohibited. This was modified to a considerable extent. Much correspondence between the two countries, and also retaliatory legislation, was had. Finally it was proposed in Congress that the United States pass an interdict on British vessels, but with the proviso that if Great Britian recede from the restrictive policy, this country would do the same. Owing to petty differences between the Senate and the House the bill failed, possibly by the desire of Jackson and Crawford men to embarrass the Administration.

(4)There was much spoliation of American commerce by the French prior to 1800, calculated to amount to $8,000,000. A select committee reported that the claims against France had been surrendered by the convention of 1800 with Napoleon and hence the United States was bound to pay them. A bill for relief of the claimants was vetoed by Polk in 1846, and by Pierce in 1855. In 1885 they were referred to the Court of Claims.

(5)In 1827 a high tariff bill, called the "Woolen Bill," engineered by Clay, passed the House but was defeated in the Senate by the casting vote of Vice-President Calhoun. A convention of protectionists was called at Harrisburg in that year, which recommended high protective duties. In 1828 the bill passed, increasing duties so largely that Southern statesmen denounced it as "legalized robbery," "the tariff of abominations."

(6)In his message in 1828 the President reported that the revenue had exceeded the most sanguine expectations.

(7)In 1827 Crawford returned to Georgia, accepted the position of judge of the Northern Circuit, and died in 1834.

(8)This Bankrupt bill failed. One was passed in 1841 and repealed in 1843.

Letter from Nath. Macon to Mr. Bartlett Yancey.

(1)Buck Spring 3 Novr 1827.

Sir

I have received your friendly letter of the 13 ultimo & will endeavor to answer the questions therein propounded in the order stated. I was taken sick on the 12 of May, & had not a well day, till about the first of August, much reduced and very weak, since which I have been gaining flesh & strength very slow and am now, though weak, as well as one of my age ought to expect to be. It was not in my power to attend the commencement(2) at Chapel Hill. I was too unwell to attempt it, and so informed the Governor, the University has my best wishes for its success and prosperity.

I am truly glad, that Mr. Crawford's health & writing continue to improve, & most earnestly hope that the day is not far distant, when both shall be perfectly restored, together with his speech, & that he may be again, what he has been, & be returned to the federal councils, but he ought be perfectly restored, before he goes into them, or he will risk much by going.

The national intelligencer(3) has entirely changed its character. The cause not known by me, unless it be the senate not electing the editor its printer, com-

pare it now, to what it was, when it supported Mr. Crawford, & the early period at which it came out for Adams, & the late one for Crawford; perhaps the difference in character and time, may be owing to those supported. The Register(3) follows the Intelligencer, as truly as the big wheel of a wagon follows the little one; neither the Intelligencer nor the Register are calculated for the interest of North Carolina, though they may suit Washington city, & the admintration.

The politics of those people, called Republicans, begun to change under Madison. The bank of the United States, proves the fact, & that ought to be considered the beginning of what is termed the almalgamation of parties. The Tariff of 1816 & the bill to appropriate the bonus for the bank for internal improvements completed it, you cannot have forgot, the many(4) mess disputes & conversations, on these subjects & that it was often said and often repeated, that if the constitution could be stretched to cover them, it would soon be extended to Africa.

The late administration went far towards establishing the construction & to extend the executive power. The attempt(5) to pledge the U. S. to the Spanish Americans, was a strong measure, & of a prerogative nature, & might have been the case, on which Adams bottomed his claim for power to send Ministers to Panama without a nomination to the the Senate.

The U. S. Government must be gaining or loosing character very fast, when the candidates for the presidency, for so they may be properly called, are electioneering for the office, & the great executive officers making speeches every chance, to ensure if possible the election of their favorite, add to this, Governors and Judges of the states, forgetting their stations, turn *electioneerers* probably a word not to be found in a dictionary.

Let the executive patronage be increased and every president will appoint his successor, perhaps some may have already done it, increase it and it will be settled. Monroe(6) probably appointed Adams Secretary of state, because he had been of all parties, was a New England man, & was the oldest minister to foreign courts.

The administration will make great exertions for the next election, especially in Pennsylvania & Virginia, the late election in Kentucky, will no doubt increase its industry.

The bank of the U. S. and internal improvement have changed the constitution or rather made a new one continuing the old form. I mean the laws passed on these subjects—Neither Adams nor Jackson would be my choice for the next president, but of the two I greatly prefer Jackson, because he cannot I think do worse for us(7), nor select his secretaries, for the same reason, that Adams selected his, according to common report.

The Bank was the foundation of the Tariff of 1816, because if trade declined, the 35,000,000 capital could not be safely employed in it, so it was of the internal improvement plan. Let the U. S. Government be concerned in improvements, & the banks will supply not money, but its notes—to any amount, by loan to the U. S.—

Who is wise enough, to manage well and honestly the concerns of a people, who are much in debt, the federal & the state governments, have set up two gaming shops, and the people have gambled and lost, but the Governments have not won much, these shops are the banks & lotteries, to which might be added the funding systems, because there is a vast deal of gaming, in the funds as well as in bank stock & discounts—whatever enables the cunning, to live on the labor of others, is an evil, I cannot come to see you & your family this year; my going to Washington will depend on the state of my health; God bless you & all that are near or dear to you—is the sincere wish of

NATHL. MACON.

NOTES.

(1)Buck Spring was the name of Mr. Macon's plantation, about 2,000 acres. It is now cut up into small holdings. Mr. Macon's dwelling is occupied by negroes. After giving two-thirds of his property to his daughters, he died worth about $30,000.

(2)Mr. Macon was from 1826 to 1828 a Trustee of the Univer-

sity of North Carolina. Finding that he could not attend to his duties as such, he resigned. The Commencement of 1827, held on the first Monday in June, was very notable as being the occasion of the delivery by ex-Judge Archibald Debow Murphey, who had been Professor of Languages in the institution and a pioneer in the advocacy of the State Public School system, of the first of the annual literary orations by invitation of the Dialectic and Philanthropic Societies. This oration is a valuable contribution to State history. Judge Murphey was a Trustee of the University from 1802 to his death in 1832.

(3)The National Intelligencer, a tri-weekly, was established in Washington in 1800 as a Jeffersonian organ by Samuel H. Smith. In 1810 Joseph Gales, Jr., son of Joseph Gales, of the Raleigh (North Carolina) Register, became one of the editors. In 1812 he was joined by William W. Seaton, the son-in-law of the latter. The journal supported the Republican party, but in the new division of parties became first National Republican and then Whig. It had great influence.

(4)By "mess disputes", etc., I think Mr. Macon means those at dinners and other social occasions.

(5)Mr. Macon means the "Monroe doctrine." Many contended that it was "not within the legitimate powers of the Executive to speak in behalf of a policy which might lead to war, which Congress alone had the power of declaring." But the nation approved it.

(6)John Quincy Adams was a Federalist until he left that party because he favored Jefferson's Embargo. He then acted with the Republicans.

(7)Adams appointed Henry Clay Secretary of State, his enemies charging that this was in pursuance of a corrupt bargain by which Clay's friends supported Adams iu the House of Representatives. He also appointed Richard Rush, of Pennsylvania, Secretary of the Treasury, and James Barbour, of Virginia, Secretary of War. It was charged that these appointments were made in order to get the favor of those two great States. He retained Samuel L. Southard, of New Jer-

sey, as Secretary of the Navy, and William Wirt, of Virginia, afterwards of Maryland, as Attorney General. The Postmaster General was not a member of the Cabinet until 1829. John McLean, of Ohio, was retained in that post. There was no Secretary of the Interior until 1849, nor of Agriculture until 1889.

Letter from Nathaniel Macon to Mr. Bartlett Yancey.

Washington 30 Decr 1827

Sir

Yesterday your letter of the 24 instant was received: No information from Europe has reached this place, which will enable me to answer the question you therein propose, in a satisfactory manner. The destruction of the Turkish fleet(1) by the allies, has not that I have heard produced a single speculation in our produce & the merchants are generally well informed, in whatever may tend to promote their interests(2). if the war between the allies & Turks should last a few years, it may possibly raise the price of some articles, that we grow for exportation, most likely that of wheat, because the Turk might for a while, prevent its exportation from the black sea.

The Turk at war with the allies, would not have a navy to cruise on the sea, of course the war could not raise the price of freight on insurance(3); The war between the Russians and Persians is not felt in the United States nor is it expected, that, that between the allies & the Turk would be felt much more; if any of the christian powers should support the Turk, it might have then some effect on our productions but without this, it cannot I think, be much felt in the U. S.

On my arrival here, I heard much from both the presidential parties about a short session(4), but the doings of neither do not seem to promise one; The friends of Jackson appear quite certain of his election and the friends of Adams say that they are not without hopes, that he will be again elected; The passing of a new Tariff act may in some measure probably depend on the effect, which the warm friends of the

two candidates for the presidency, may expect it will have on the election. Judging from the opinions of the state Legislature as declared in the newspapers, Jackson has now the best prospect for being elected, but it is not an easy task to beat patronage, that in all countries is power, & will in all countries be used to retain power, it is the smoothest way of employing public money, to promote the views of those who use it. He that uses it and he that receives it, both declare it done to promote the general interest.

Yr. friend

NATH'L MACON.

P. S.

Just as I had finished the letter, a Gentleman called on me, & said, that he was informed that Mr. Clay had written a pamphlet(5), & that it was this day sent by mail in all directions, I give it to you as I received it; I may add, that a report has been in circulation for a few days past, that he was writing a pamphlet, to justify his conduct about the election of President.

N. M.

NOTES.

(1)In Navarino Bay, October 20, 1827.

(2)The English and French, after the Turkish commander, Ibrahim, evacuated Morea, did not continue hostilities. Russian troops crossed the Balkans, and in 1829 forced Turkey to agree to the Peace of Adrianople, by whicn that nation recognized the future action of the "London Conference" which announced in 1830 the Independence of Greece.

(3)This war was of short continuance. It ended by the capture of Erivan by the Russians in 1827.

(4)The session ended May 28, 1828.

(5)Mr. Clay's pamphlet was published in the summer of 1827. It contained the testimony in his favor of nearly all of the Ohio delegation and most of those of Kentucky, of Gen. LaFayette, of two friends of Jackson, Crittenden and Benton, and others. The three named stated that he declared beforehand that if the contest should lie between Adams and Jackson he would vote for Adams.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 16 Feby 1828.

Sir

My health is now tolerable good, but not what it formerly was a few years past; unless it should improve before next winter, I incline to think, that it would be imprudent to attempt to attend another session of Congress, to be here and not able to discharge the trust reposed in me, in a way satisfactory to myself, would be disagreeable and unpleasant and not treating the people or the Legislature with the kindness, which both have treated me. theirs(1) to me has far surpassed any merit, that I could pretend to possess, it has rarely been equalled by any state in the union, & demands of me to serve as long as I am able, to continue longer would be an ungrateful return for their confidence.

The whole plan of legislation here seems to be to pass claims not authorized by law & to pass acts(2) the operation of which is nothing more or less, than to give the profits of the labor of one part of the union to other parts, hence the poverty of the one and the wealth of the others, & this unequal and unjust state of things, will continue as long as this sort of legislation continues; The taxes may be perfectly equal according to law, and become unjust & oppressive by the expenditure, where they are spent riches will abound, & where they are not spent, poverty will be seen. You cannot have forgot, the many disputes on this subject, when you was here, about the time, that it was a fashionable & favorite expression to conquer(3) Space, forgetting that great conquest, generally produced poverty, & a greater than this was never thought of before or since; The power of science was omnipotent, it could do everything, & it was reserved for the U. S. to have the glory of doing the one and proving the other. About this time or not long after Redheffer(4) & his perpetual motion appeared, mill seats and steam engines would be useless, nay one was anxious to sell a valuable mill because Redheffer's invention, would render it useless. The end of these sort of notions, are ruin; science to be useful, must be used by common sense, which is always practical.

The constitution of the U. S. I have long considered dead, & gone; and the present scuffle for the presidency I consider rather a scuffle for men than principle; but this ought not to prevent trying to get one that we prefer, hence I go for Jackson.

Remember me in the most friendly manner to Mrs. Yancey & your children & believe me to be

Your old and constant friend

NATH'L. MACON.

NOTES.

(1)The favor of the people was shown by giving him five terms in the State Senate by annual elections, beginning with 1780, but not including 1783-'4, by making him a Representative in Congress, 1791-1815, generally without opposition; Senator 1815-'28, when he resigned, being thirty-seven years of continuous service in Congress. He was Speaker of the House of Representatives of the United States 1801-'06, and President *pro tempore* of the Senate in 1825, 1826 and 1827. He was afterwards President of the Constitutional Convention of North Carolina in 1835 and presided over the College of Electors of the Van Buren and Johnson ticket in 1837. These facts are given by Mr. Wilson, but repeated for convenience of reference.

Mr. Macon's brother John was also a highlv esteemed public servant. He was State Senator six terms and member of the lower House six terms. He was one of the charter Trustees of the State University and one of the Commissioners to build the first Capitol, then called State-house.

Letter from Nath'l Macon to Mr. Bartlett Yancey.

Washington 18 Feb'y 1828.

Sir

Permit me to submit to you, the following facts and observations, did I expect to see you in any short time, or was I certain of ever doing it again, I would not plague you to read them.

The Southern country begins on the south bank of James River, The eastsrn parts of the states, south of that river, are flat, level, low, unhealthy, & and

full of swamps, The swamps and the low grounds of the rivers rich, the first requires great expense, to get them in order for cultivation. The other subject to freshets, both until cleared have a variety of valuable timber, no natural waterfall in the country above mentioned.

The mountain rivers South of the James, have no good inlet or outlet to or from the sea, all turn narrow below the falls, and are sickly at the falls, and below them to their mouths, from the falls to their mouths or near them, only boat navigation, and that not at all seasons of the year, the low grounds are like swamps.

The tide does not flow far up them, nor near to the falls. The country except the swamps & river land too poor to contain a dense population, and too sickly for large establishments of any kind; mechanics who depend on their labor find that the loss of time & the doctors bills prevents their staying there & gaining property, hence a scarcity of them in most of the towns south of the James river.

The Appomattox & to north of it, the mountain rivers are navigable to the falls or very near them for sea vessels, the tide in them flows to the falls, probably in every one of them & at the falls are vastly more healthy than the same situations on the Southern rivers.

These are offered for your consideration as far as they may touch, establishing large manufacturing houses in the two parts of the Union, in examining the subject you will doubtless consider every advantage & disadvantage, attending both parts of the country, as well as every risk which must attend both.

This question must present itself, is it probable that a country, far removed from navigation, with no particular advantage, can compete with with one convenient to navigation, with only equal advantages; The profit of good land in the two places, is proportion to its distance from market, people sometimes suppose, that what is beneficial to one place, may be to all, hence improper plans are attempted, by applying what suits one country, to another not suited to them, Irish potatoes makes a tolerable and only tolerable food in one country, and very bad in

another, so with the sweet potatoes, no country produces everything, which civilized man covets nor are all countries, nor are all situations in the same country, calculated for the same employment. The mills at a distance from the market towns for manufacturing flour, have not been able to compete with those at such towns, for exportation, above the flat country, and some part of that, the States produce as good wheat as any in the union but the weavel and other insects, render it an unfavorable crop; The rich low grounds below the falls of the rivers, are rich enough for tobacco, but experience, has convinced all those who have tried it, that it does not suit the land.

General Harrison(1) told me, that he had sent a parcel of the best merino sheep wool to Boston, and that he only got 25 cents a pound for it.

The Southern country is nearly ruined; they must save themselves, by not buying, what is not obliged to be bought, do as they did in the war of the revolution.

No long leaf pine North of the James River nor live oak north of new point comfort, the long leaf pine and live oak, are the boundaries of the South.

I ought to have stated that the river hills on James on the south side are higher than on the north, for some distance below the falls, but it is the country generally I have been speaking about, I therefore consider Petersburg the last Southern place, where large manufacturing establishments can be ever profitable; Everything in the U. S. goes on at first with a sort of rage; remember the marino *Bone* fever,(2) the town making fever, &c., &c.

This letter is only intended for yourself, South of Petersburg, small and neighborhood manufactories may be established, if the Tariff System be continued and may be profitable for neighborhood eonsumption, but not for exportation.

Steam engines may be used anywhere, for manufacturing, but the country ought to be healthy, The streams for manufacturing ought to afford a plenty of water for all seasons of the year, even for the driest weather.

The paper *systems*, *operates* injuriously to all the Southern country. The facts connected with this have been stated in a former letter, perhaps the

southern country, might be extended to Rappahannock river, below the falls at Fredericksburg, for below them, it is much like it, sandy & generally level and not very heal hy, but more so, than that south of James.

It may be added, that the country south of James River and its waters, cannot be a navigating one, want of inlets deep enough for large vessels, the danger of the coast and want of people to make mechanics and sailors, and its being sickly will prevent it, the towns in that part of the union near the sea, have not grown much since the adoption of the federal constitution, this fact may be ascertained by the *census*, & it may be doubted whether in them, bears the same proportion to the towns in other parts, it then did; new towns like Savannah may grow for a season; they are places of deposits and exchange.

After reading this(4), burn it.

To Mrs. Yancey & your family offer my regard and esteem

Yr friend
NATH'L MACON.

NOTES.

(1)General William Henry Harrison, afterwards President of the United States. He was Governor of the Indian Territory 1801–'13; Representative in Congress 1816–'19; Senator 1825'–28; Minister to Columbia 1828–'29. He lived on his farm at North Bend, Ohio, sixteen miles below Cincinnati. As Major General of volunteers he gained the battle of Tippecanoe in 1811 and that of Thames in 1813. He was defeated for the Presidency in 1836 but elected in 1840 by a vote of 234 to 60 in the electoral college.

(2)By the expression "merino bone," I think Mr. Macon intends to ridicule the admirers of Merino sheep, who claimed that their food made bones and wool instead of fat.

(3)By paper system he means bank notes, as heretofore explained. Benton acquired the nickname of "Old Bullion" by similar hostility to paper.

(4)Mr. Yancey lived in the interior, and, as there was little communication between east and west, Mr. Macon naturally

thought that his attention had not been called fully to the geographical differences mentioned in the letter. It is not at all to his discredit that in 1828 the latter could not foresee the changes in the commercial and manufacturing world caused by the steel road and the locomotive engine. Although he requested Mr. Yancey to burn the letter, I do not hesitate to publish it because, firstly, Mr. Yancey thought best not to comply with the request but placed it in the package with the others; and secondly, the publication cannot possibly impair the reputation of Mr. Macon or any one else.

The following letter was received too late for publication in chronological order. The original is owned by Mrs. Baxter H. Moore, grand-daughter of Major Smith and was copied by Bishop Joseph B. Cheshire:

Letter from Nathaniel Macon to Major Wm. Smith, U. S. Senator from South Carolina.

Buck Spring, 22 June 1800

Sir

During the last session of Congress I enclosed you Cooper's Essays(1) and the proceedings of the Virginia Assembly(2) in defence of their former resolutions on the Sedition Law, &c., although I have not heard whether they did and that you were pleased with both.

At present with us, the attention of every one is turned to the election of electors(3) and this part of the State is very decided in favor of Mr. Jefferson for President and Col. Burr for Vice President. If South Carolina votes Republicans they will I think certainly be elected. Much in the next Presidential election depend on the two Carolinas, and it appears to me next to impossible that the citizens of either State should err in their choice, if they can but see the arguments and reasons on both sides of the questions, which have divided the parties in the U. S. Whether every part of North Carolina has had this information is not certain, however, I hope and expect that at least two-thirds has, and that the votes

for President(3) will be at least two for one. My anxiety to hear how the vote in South Carolina is likely to be has induced me to ask your opinion of it, and to request you to favor me with it by post.

If the Republicans in every part of N. C. make proper exertions at the elections, and not stay at home instead of voting, it is not improbable but the vote of State will be the same as at the last election, except that your Gen'l Chas C. Pinckney(4) will not get more votes than Mr. Adams. If S. C. shall vote for the Republicans, eight votes from us will be sufficient according to most calculations to insure their elections and of that number I believe there is no doubt.

I am with perfect respect and esteem, sir

Y'r most ob't Servt.

NATH'L MACON.

N. B. Direct to me at Warrenton, it is the nearest post town.

N. M.

NOTES.

(1)Essays on Political Subjects, published in book form in 1800, having previously appeared in a Philadelphia paper, by Dr. Thomas Cooper. Cooper was a man of varied fortunes and learning in many directions. He left England on account of an attack on the Ministry, and in this country was at various times a physician, a lawyer, judge in Pennsylvania, professor of chemistry in Dickenson College, the University of Pennsylvania, and of chemistry and political economy in South Carolina College in Columbia, then was President of that college. He was the author among other works, of a treatise on Political Economy, and was one of the codifiers of the laws of South Carolina. He was prosecuted under the Sedition Law for a libel on President Adams and was sentenced to imprisonment for six months and a fine of $400. In religion he was a free thinker.

(2)The Resolutions of 1798 againt the Alien and Sedition Laws were sent to the several States and their concurrence asked. Indiana, Rhode Island, Massachusetts, New York, Connecticut, New Hampshire and Vermont answered,

strongly opposing them as advocating nullification. North Carolina declined to take action. In 1800 Virginia declared that the Resolutions of 1798 were intended only to unite the States in procuring a repeal of the unconstitutional acts of Congress.

(3)Jefferson and Burr received 73 electoral votes each, Adams 65, C, C. Pinckney 64, and Jay 1. Jefferson was elected in the House after a struggle. North Carolina gave him 8 electoral votes out of 13 and supported Jefferson in the House. The State then voted by districts.

(4)Charles Cotesworth Pinckney, Major in the Revolutionary War; member of the Constitutional Convention of 1787; Minister to France, 1796, but the Directory refused to receive him; Major General for the expected French war; Federalist candidate for Vice President, 1800, and for President in 1804 and 1808.

Letter(1) *from W. P. Mangum to Mr. Bartlett Yancey.*

Washington 15th January 1826.

My dear Sir:

Your favor written while you were at Raleigh has been long since received; and I should have acknowledged it before this, but that I had hoped something would have presented that might be of some interest. The session thus far has gone on smoothly with very slight exceptions; and nothing has occurred upon which the strength of parties has been arrayed so that the strength of any might be distinctly known.

The Creek treaty(2) seemed to excite most interest upon the meeting of Congress—but the final developments have been unaccountably delayed; and the public interest on that subject seems at this moment to have subsided.—It is believed that the administration are unwilling to drive that subject to extremity, if it can be consistently avoided.—The Hostiles as they are called and the McIntosh party are each represented at Washington by a delegation of 15 or more of either side.—Before Christmas the administration proposed to the Geo. delegation an extinguishment of the indian title by a new treaty to a river in the

nation the name of which I don't remember, leaving to the indians perhaps one-fourth of the whole of the lands they now possess.—The Geo. delegation declined the offer, upon the ground that they were invested with no authority to make any compromise; and upon the additional ground that the former treaty, as they insisted, was good and obligatory. The delegation were then notified that the President would send a message to Congress on the subject in the first week in January.—This however has not been done—nor are the members at Dawson's, Cobb(3) and Merriweather, able to account for the delay, except upon the supposition that they are endeavoring to negotiate a new treaty, so as to avoid the excitement anticipated upon the discussion.—

Some of the Georgians(4)—Tatnall, for instance—is prepared and I believe determined to drive to extremities any affair of honor that could be got up on the occasion.—During the last week we have been discussing(5) a bill of proposing to add three new Judges to the present Supreme Court, and the whole weight of administration is thrown into the scale in favor of the Bill—Though for 6 or 8 years the bill of a similar character, though not going to the extent of this, has had no prospect of success—But now by the aid of the eastern people I doubt not but it will pass by a large majority.

That subject is the only one that has called up any disagreeable retrospections—and I have been the unfortunate wight first to broach those subjects.

I felt so indignant at the miserably corrupted policy as I believe it of the Yankee nation that I could not refrain from giving them a touch—I expect to be scaled—but I will come out of it as well as I can.—Sir, This administration I verily believe will be conducted upon as corrupt principles, indeed more corrupt, than any that has preceded it.—Bargaining and compromise will be the order of the day.—I came here hoping that I might be able to lend to it a frank support—The Crawford party will have to stand aloof, they will not be able I fear to support this administration; and the alternative as yet presented—is perhaps still more objectionable.—I mean to stand aloof from all political connection having relation to the next presidency—and support or oppose, accord-

ing as my best judgment may dictate in each particular case.—The proposed constitutional amendments will probably occupy much time—and upon one point I have not made up my mind. I should be obliged to you for your views on that point.—I am in favor of uniformity in electing electors, and would as at present advised prefer the district system.—But as regards taking the election, in the event the people fail to give a majority to one candidate, from the House of Reps.—is the point upon which I have great and serious doubts.

In the first place, it will not do in my opinion to let a plurality elect—for the govt would not be able to get along with a majority against it.—If then the point has to be settled by some tribunal—cannot the judgt and discretion of the H. of Rs. be more relied upon than the electoral colleges.—For in either case a compromise would have to be made and which body is most to be relied upon?—Again, I think it desirable to retain *Federal* features of the constitution undefaced—and resist the tendencies to consolidation. The equality of reps in the senate is the strong and strongest Federal feature—another is the *equality of the sovereignties* in the election of Prest in the event of failure by the people.—Abolish that, and is it not an approach towards consolidation?

I know that the public sentiment is at this time in favor of destroying that feature—But temporary resentments resulting from disappointment in a favorite object, ought not to prevail in making great fundamental changes, and the Representative is not worth a fig who in such a case does otherwise than as he thinks right.

I take it that the destinies of No. Carolina(6) will cast her lot with the small states—though in population and territory she is such as to give expectations of better things—yet her exclusion from commercial importance, will contribute powerfully to give her an interest in common with, tho' not the smallest, yet with the smaller states.—She has no political views to gratify—her interest is that things should go on calmly and smoothly—should she not therefore endeavor to preserve and keep up the weight and importance or the smaller states? I should like to have your views on this subject.—Our members(7) here as

far as I now, are in favor of the change. I am the only one perhaps opposed to it or doubting about it in this H. of Reps.

The present Congress(8) will be administration.—"The powers that be" have been gaining strength I should imagine.—Our friend Lewis Williams (9) goes in deep enough.—The thought, you know, of Gen. Jackson is to him gall and bitterness—and I fear that sentiment may serve him too far.—As regards Gen. Jackson(10), I am sure he has made his best race and that the "powers that be" have little to apprehend from that quarter.—Lewis however is no half way man—he is agt. Jackson, and therefore permits himself when there is not necessity for it, to be for Adams.—For it is clear that this admn. has but few sentiments or leading political subjects in common with him.—The other day when I had made a feeble set at the new Judiciary bill Lewis made a long speech, and at every step spoke at me.—It was all done however with good feelings—and as he said in self defence.

Judging from what I can learn here, I presume that Mr. Adams will be reelected easily—unless some northern man shall come, who can carry the south—and whether Clinton(11) could or *ought* to do so, must depend upon further developments.

Our old friend Mr. Macon has been in worse health this winter than I ever knew him to be.—He has had very violently, and still has with diminished violence, the influenza(12), which has prevailed here with unusual severity. I believe the old gentleman sometimes thinks seriously of quitting.—He has not recovered I think from the shock produced by the death of his daughter.—Mr. Clay (13) has been in very bad health, he is better however—and has resumed his old tricks of *managing* occasionally.

My confidence in him has been a good deal impaired by a circumstance, which I will mention to you *in confidence*.—He expects that his course in relation to the presidential election will be *severely* handled in the discussion of the proposed amendments of the constitution.—Gen. Vance(14) of Ohio, with whom I have been upon terms of great intimacy since our first acquaintance, told me some time ago, that in the event any reflexion should be cast upon their

party in the debate—they had determined to propose another amendment—to-wit, that the weight 3-5 of our slaves shd. be no longer operative in that election—indeed to abolish that feature of compromise. He further informed me that he was *fixed upon* to propose it—he held the conversation with me to prepare my mind for it, that I might not be taken with surprize. Now from the known confidence existing between Clay and Vance—I can not doubt (tho' not so informed) that Clay was at the bottom of it.—Indeed he is the only man amongst them of *boldness* enough to go that length and touch that delicate subject.—Now sir any southern man, who is capable of touching that subject in that manner, and at a moment when there is so much known feeling upon the subject to the north ought to be—and is reckless of everything to gratify a bad ambition.—Indeed Clay perceives that he has but little to expect from the South—and by a movement of this kind he may effectually secure the north.—*Pennsylvania perhaps inclusive.*—For it is clear that the Jackson fever has abated very much with many of that delegation.—That communication produced great effect upon my mind, and accounts in some degree for the raps I gave them the other day.

Mrs. Adams(15) gives splendid levees—and John II is quite republican in his manners.—Mr. Calhoun(16) gives his dinner parties.—I had the honor of being noticed by him quite early.—and what do you think he said to me when leaving him.—holding my hand "Mangum, Mangum, do—do sir, call and see me frequently and spend some of your evenings with us—without ceremony—come sir. We shall always be glad to see you, and bring any friend with you."—Ah Sir! he knows a thing or two.—It is in that way he sweeps the young fellows.

He is a great friend to the North State(17), as Mr. Macon calls it. Haven't you seen how some one of his friends (18) Hayne, it is believed, has taken his pen to defend Mr. Galhoun and laud Mr. Macon?—He is in the Senate every day, talks a great deal about (19) paying off the national debt immediately.—I should like to know whether a reduction of the expenses of the army establishment and the consequent reduction

of the patronage of that department would be as bitter a pill to him now as formerly.

He (20) may be considered as entered for the success stake if not at the next races, certainly at the second.

It would make you laugh heartily to hear Gov.(21) Barbour speak of the labors of his department. You know him I believe.—You know he is a man of words but not a business man.

He says he sits down to make estimates on the subject of some fortification—he scarcely gets under way before he is applied to and urged about a pension—and every pension case is a suit in equity—he hardly begins before some would-be cadet is introduced and breaks off the train of his reflections—he returns to the subject again and before he can collect his thoughts some damned dispute about brevet rank is submitted to him, about which he knows nothing—and he hardly gets under way in examining the usages of the Govt, before some of the *Tustanaggees* (title of Indian chiefs) are thrust upon him and before he can get his maps and "count the broken sticks" some damned fellow turns him somerset into a canal—and after the day spent in these perplexities next morning he begins again, without having advanced a step upon any one subject.

His account of his perplexities are truly ludicrous—but he says a purchaser *with notice* ought not to complain.

Mr. Gailliard(22) has been very and dangerously ill. He is recovering I hope.

Mr. Randolph(23) seems very much gratified with his election to the Senate, and will I expect become for a while an industrious member of that body.

I have I believe sufficiently tested your patience. It being Sunday night and having little else to do—I have indulged the cacoethes sufficiently.

I shall let you hear from me occasionally and hope you will reciprocate.

Accept assurances of my regard

Willie P. Mangum,

Bartlett Yancey, Esq.

NOTES.

(1)Willie Person Mangum was born in Orange county, North

Carolina, in 1792; graduated at the University of North Carolina in 1815; became a lawyer; judge of the Superior Court 1819-'23; Representative in Congress 1823-'26; judge of the Superior Court again 1826 and 1828-'30; U. S. Senator 1831-'37, 1841-'53; died September 14th, 1861, on learning that his only son, William Preston, was killed at the first battle of Manassas. He was noted as a stump orator. He was President *pro tempore* of the Senate 1841-'45. In 1836 South Carolina voted for him for the Presidency,

(2)The treaty with the Creeks here mentioned was ratified January 24th, 1826, by a vote of 30 to 7. The Creeks ceded their lands in Georgia to the United States for $217,600 and a perpetual annuity of $20,000. The followers of McIntosh were to emigrate and to receive $100,000 if they numbered 3,000; if not, proportionally, and to be paid for their improvements. Georgia objected to the treaty, being satisfied with that of Indian Springs heretofore mentioned.

In 1802 Georgia ceded to the United States her claim west of a certain line, the latter stipulating to extinguish the Indian title "as soon as it could be done peaceably and on reasonable terms." In pursuance of this compact the United States bought nearly 15,000,000 acres, the original area being about 20,000,000 acres. Georgia contended that the compact had been broken as to the lands not bought, and also as to those of the Cherokees, that the United States connived at the Indians becoming permanent settlers to the great obstruction of her development. Her officers used very threatening language and afterwards defied the authority of the General Government. President Adams behaved with much moderation. It is now generally admitted that Georgia had cause of complaint, but many think that her officers were unnecessarily insulting and defiant.

(3)Dawson's was a boarding house in Washington.

Thomas W. Cobb was a Representative 1817-'21; Senator 1824-'28; afterwards a Judge in Georgia.

James Meriwether, Representative 1825-'27.

(4)Edward F. Tatnall of Savannah. Representative 1821-'27.

(5)The bill did not pass. Two judges were added in 1837.

(6)North Carolina, as regards population, was 3d in 1790; 4th in 1800, 1810 and 1820; 5th in 1830; 7th in 1840; 10th in 1850; 12th in 1860; 14th in 1870; 15th in 1880; 13th in 1890; 15th in 1900. Her rank in wealth is much lower.

(7)Besides Mangum, the members were Willis Alston, Daniel L. Barringer, John H. Bryan, Samuel P. Carson, Henry W. Conner, Weldon N. Edwards, Richard Hines, Gabriel Holmes, John Long, Archibald McNeill, Romulus M. Saunders, Lemuel Sawyer, Lewis Williams. Daniel L. Barringer was uncle of Daniel M. Barringer, afterwards a Representative and Minister to Spain.

(8)This was true as to the Senate but not the House. The friends of Crawford, Jackson and Calhoun united in fierce opposition and thwarted Adams' recommendations as a rule. It is true the House voted to pay the envoys to the Panama Congress, but delayed the measure so long that the Congress adjourned before their arrival.

(9)Lewis Williams was a native of Surry county, North Carolina; born in 1782, graduated at the University of North Carolina, was a Representative from 1815 to 1842 continuously, and was known as the "Father of tbe House."

(10)The false prophets of the present day can take comfort from this prediction.

(11)DeWitt Clinton, of New York; United States Senator 1802-'03; Governor of New York; Mayor of New York City; ardent promoter of the Erie and Champlain canals. In 1812 he was the candidate of the Federalists and New York Democrats for the Presidency and received 89 electoral votes. He died in 1828; was nephew of George Clinton, who was General in the Revolution, Governor of New York, and Vice-President under Jefferson and Madison.

(12)Now called grippe, or grip.

(13)Clay had a peculiar power of influencing members. It is stated that his manner of offering a pinch of snuff was especially seductive. Like Mirabeau, he had the "dangerous art of familiarity", and was on occasion denunciatory.

(14)Joseph Vance, of Ohio; Representative 1823-'35 and 1843-'47; Governor of Ohio, 1836.

Many amendments to the Constitution had been offered, looking to the election of the President by the people, because under the existing mode the will of the majority of the people had been defeated by the choice of Adams by the House of Representatives. There was no agreement, however, as to the mode of reconciling the interests of the small and large states.

An amendment, requiring the concurrence of seven justices of the Supreme Court in order to declare any law of the States unconstitufional was rejected in the Senate, 21 to 20. Another to require the Supreme Court to issue such process as issues from the highest State tribunals was defeated by a larger vote, 34 to 7.

The firebrand amendment talked of by Mr. Vance was not offered, was possibly a mere threat. There was another story that John Randolph proposed to Clay that the Southern members should secede from Congress, and that Clay held the proposition under advisement.

(15)Mrs. Adams was Louisa Catherine, daughter of a Maryland merchant, Joshua Johnson, who was the American consul in London. She was married to John Quincey Adams in 1797, and resided with him in Berlin, St. Petersburg, London and Washington. She was an accomplished member of the highest circles of those cities. After her husband's death in 1848, she made Quincey her home until her death in 1852.

(16)The uniform testimony of those who knew Calhoun at his home is that he was always cordial and of winning manners. Mr. Mangum, therefore, may have been mistaken in supposing that he was putting on electioneering airs, on the occasion mentioned. Mr. Calhoun married his second cousin, Floride Calhoun, who brought him fortune enough to allow him to devote himself to public life and dispense a generous hospitality.

(17)North Carolina is more often called "the *Old* North State." As the Governors of "Carolina", under the Lords Proprietors,

usually resided in Charleston, South Carolina naturally retained colloquially the name of "Carolina."

(18)Robert Y. Hayne, Senator from South Carolina 1823-'32; Governor 1832-'34; President of the Cincinnati and Charleston Railroad Company 1836-'39; distinguished for his debate with Webster. The "defence of Calhoun" is probably meant to be construed as referring to his political course generally. The specific charge of being a participator in the profits of the contract of Mix with the war department, when he was Secretary, was not made until the latter part of 1825. He was proved to be utterly innocent.

(19)By 1828 $146,669,773.48, of which $88,834,108.66 was principal, of the public debt, was paid. Mr. McLane, Secretary of the Treasury, reported at the close of 1832, "the debt may be considered as substantially extinguished after the 1st of January next."

(20)Calhoun was then friendly with Jackson. Subsequently Jackson learned that Calhoun, when Secretary of War, strongly disapproved of his invasion of Florida, and conceived a violent hatred against him. This destroyed Calhoun's chances for the Presidency.

(21)There were three prominent Barbours of Virginia, James, John S. and Philip Pendleton. James Barbour is here mentioned; Governor 1812-'15; United States Senator 1815-'25; Secretary of War 1825-'28; Minister to England 1828-'29.

(22)John Galliard, of South Carolina; United States Senator 1805-'26; President *pro tempore* of the Senate 1809-'11, and 1813-'26. Died at Washington February 26, 1826, and was succeeded as President of the Senate *pro tem.* by Nathaniel Macon.

(23)John Randolph "of Roanoke"; Representative 1799-1813, 1815-'17, 1819-'25; Senator 1825-27; Representative 1827-'29; Minister to Russia 1830; died 1833. He appointed Nathaniel Macon one of the executors to his will.

ADDENDUM.

Since the note on John R. Eaton was printed I have ascertained some facts concerning him, derived from *Wheeler's History* and from Mrs. Susan (Taylor) Fontaine, of Hinds county, Mississippi.

Major John Rust Eaton was a son of Colonel Charles Rust Eaton, an officer of the Revolution. He was wealthy and influential, several times a member of the General Assembly from Granville county, one of the earliest stockholders and probably a director of the Roanoke Navigation Company. He was fond of fine horses. An imported stallion of his, Columbus, brought $10,000 at the sale of his effects after his death in 1830. He was not the father of Secretary of War, John H. Eaton, of Tennessee.

The foregoining letters have been carefully printed as the writers spelt and punctuated; all complaints of typographical errors will be out of place.

REFERENCES FOR THE NOTES.

It is useless to print a list of the books referred to for the information given in the notes. Perhaps it ought to be mentioned that the most useful were *Tucker's* and *MacMaster's Histories*, the *Political Register* of Poore, *Jamieson's Dictionary of the United States*, *Benton's Abridgment*, and *Sumner's History of the Currency*.

Hon. Charles A. Cooke, mentioned in the note on Macon, as one of my authorities, has very recently been elevated to the Supreme Court Bench of North Carolina.

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THE UNIVERSITY OF NORTH CAROLINA

James Sprunt Historical Monograph

No. 3.

Letters of Nathaniel Macon, John Steele and William Barry Grove, with Sketches and Notes

by Kemp P. Battle, LL.D.

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INTRODUCTORY.

The James Sprunt Monograph No. 3 consists of letters, not heretofore published, from Nathaniel Macon, John Steele and William Barry Grove, written at various times from 1792 to 1824, with copious notes explanatory of the allusions therein. The originals are among the papers of General Steele, which were transferred to the University of North Carolina in accordance with the will of the widow of David L. Swain, once Governor and President of the University. The letters of General Steele are copies retained by him and in his handwriting. I prefix short sketches of each of the writers, and of James Hogg, to whom some of the letters of Mr. Grove were addressed. There will be found also a letter of Colonel Joseph McDowell, of Quaker Meadows, in reply to one from General Steele.

KEMP P. BATTLE.

NATHANIEL MACON.

Nathaniel Macon, of Huguenot descent, was born in Warren county, North Carolina, in December, 1757. His father, Gideon Macon, was a prosperous farmer, and his mother, Priscilla, daughter of Edward Jones, was of the best and oldest families of Warren. He was at Princeton University (then College of New Jersey) when the Revolutionary war broke out, left college and enlisted as a private, but resigned from the army by advice of General Greene, when he was elected to the General Assembly. He served as Senator 1780-'81-'82 and 1785 and '86; after that, giving place to his brother John, who was an esteemed Senator and Commoner for fourteen years. In 1791 he took his seat as Representative in Congress and was continuously re-elected until 1815 when he was transferred to the Senate. He was Speaker of the House 1791 to 1806. His service as Senator continued until 1828—for three years, 1825, 1826 and 1827 being President *pro tempore*. He thus had thirty-seven years of continuous service, elected with little opposition. Virginia voted for him as Vice-President in 1824. His leaving the Senate in 1828 was on account of the infirmities of old age. He thereafter resolved to lead a quiet life but was drawn from his retirement to serve in the Constitutional Convention of 1835, of which he was unanimously elected President. His last public work was as Elector on the Van Buren ticket of 1837. His death occurred the same year, June 29th.

His Congressional career, together with others of his letters, and additional particulars of his family and private life, are given in the James Sprunt Historical Monograph No. 2. In politics he was a very strict construction Republican, a

Crawford man and a Democrat, but he occasionally refused to follow his party when in his opinion it deviated from the straight path. He was a Trustee and warm friend of his State University. The strictness of his integrity in private equalled that of his political life.

JOHN STEELE.

John Steele, who, on account of having been elected by the General Assembly to the highest post in the militia, is usually called General Steele, was born in Salisbury, North Carolina, in 1765. He was the son of William Steele and Elizabeth, his wife, the latter being known in history for a most praiseworthy act in the darkest hour of the Revolution. On the 1st of February, 1781, Gen. Greene spent the night at her house. Dr. Read, who had charge of the American hospital at Salisbury, called to see him. Said the General: "I have ridden hard all day in the rain. I am fatigued, hungry, lone and penniless." Mrs. Steele overheard the words. She went to her hiding place and brought out two bags of specie, all she had, the savings of years, and gave them to him, saying: "Take these, you will need them. I can do without them." It was in her parlor that the picture of George III was hanging. Gen. Greene turned the face to the wall and wrote on the back, "Oh, George! hide thy face and mourn!"

John Steele, the son of this most excellent woman, was a merchant and a planter. He represented the borough of Salisbury in the House of Commons in 1787 and 1788, and in the Conventions called to pass on the Constitution of the United States in 1788 and 1789. His vote in both was given for the Constitution, which was ratified November 2', 1789.

Mr. Steele was chosen to be one of the first members of the United States House of Representatives, and took his seat April 19th, 1790. Hugh Williamson had preceded him on March 10th, John Baptist Ashe on the 24th of the same month, Timothy Bloodworth on the 6th of April, and John Sevier, from across the mountains, did not appear until the 16th of June.

General Steele was a warm admirer of President Washington but not an unquestioning supporter of all the administration measures. In common with his colleagues he opposed Hamilton's plan of the assumption by the Union of all the debts of the States contracted for gaining our independence, believing that it was impossible to adjust the account equitably. As might be expected he voted for the location of the seat of government on the Potomac. In 1791 he supported the bill for establishing a national bank, the constitutionality of which was fought so earnestly by Jefferson, Madison and their followers. Sevier agreed with him, but Ashe, Bloodworth and Williamson were on the other side. On the question of reduction of the army he was earnestly in favor of the measure, making strong and elaborate speeches, endeavoring to show the superiority of militia over regulars. His motion, however, did not prevail. Of his colleagues Ashe, Grove and Macon were with him on this question, Williamson against and Sevier absent. On the resolutions of censure of the Secretary of the Treasury, he voted uniformly, with Williamson, in opposition to Ashe and Macon, in Hamilton's favor. Grove favored one of the resolutions.

Mr. Steele's course in moving to reduce the army, being perverted into indifference to the sufferings of the frontiersmen from Indian hostilities, probably caused his defeat for the 3rd Congress. That he was appreciated by the State at large is shown by the fact that he was elected by the General Assembly Major General of Militia, and also at a later period, 1806, a Commissioner, with Montfort Stokes, afterwards Governor, and Robert Burton, who in 1787-'88 was a member of the Congress of the Confederation, to adjust the boundary line between North and South Carolina. For this purpose the commissioners chose as their scientific expert, Rev. Dr. Joseph Caldwell, President of the University of North Carolina. Their action was ratified in 1813.

In 1796, by the appointment of Washington, he undertook the responsible duties of first Comptroller of the Treasury, and

held this position until 1802 with such acceptability that he was requested by President Jefferson to continue in the office. He determined however to resign, chiefly on account of unwillingness to be separated from his family and similar unwillingness, to remove them to Washington.

It has been mentioned that he was a member of the House of Commons from the borough of Salisbury in 1787 and 1788. He was again a member in 1794 and 1795, also in 1806, 1811, 1812 and 1613. In 1811 he was Speaker of the House. He was again elected a member of the House on the 14th of August, 1815, but died on the same day.

General Steele married Mary Nesfield, of Fayetteville, N. C., whose ancestors emigrated from Dublin, Ireland. She survived him many years. They had three daughters, Ann, who became the wife of General Jesse A. Pearson, an uncle of Chief Justice Richmond M. Pearson; Margaret, who married Stephen L. Ferrand, M.D., and was grandmother of John Steele Henderson, late a representative in Congress from North Carolina, and thirdly, Eliza, wife of Colonel Robert MacNamara.

General Steele was universally recognized as a man of sound judgment and loftiest integrity. He was in all respects a model citizen.

WILLIAM BARRY GROVE.

Wm. Barry Grove, although once a prime favorite with a large and intelligent District and for twelve years a member of Congress, has almost disappeared from our history. As his family many years ago removed to the West or Southwest, their residence not being known, no information has been obtainable from them. Mr. Edward R. McKethan, a prominent lawyer of Fayetteville, and Mr. Allan A. McCaskill, an aged and very intelligent citizen of Cumberland, enable me to give a few facts of his history.

His mother married Robert Rowan, who gave the name to Rowan street in Fayetteville. His stepfather appointed him as one of the executors of his will and devised to him a lot of ground on that street. His residence was that of his stepfather, the colonial mansion at the corner of Rowan and Chatham street. It was a notable structure for that day, its situation on a hill, with the basement of brick, giving it a striking appearance. Mr. McCaskill remembers that its superiority to the other houses of the neighborhood was such as to remind him of an old baronial castle. It has long ago disappeared but the ground is called the Grove lot to this day. Mr. Grove dispensed a bountiful hospitality. The town was on one of the main lines of travel between the South and the North. Members of Congress, journeying, many of them on horseback, to and from the seat of government, often found it convenient to become his guests, the duration of the visits being limited only by the will of the guests.

As his stepfather devised to his mother his plantation, called Hollybrook, it is probable that he inherited it. At any rate his style of living showed that he must have had other in-

come than the receipts of his profession, that of the law, and his per diem as Representative.

Of the early life of Mr. Grove we know nothing. We first hear of him as in 1784 Register of the County of Fayette (as Cumberland was called by act of Assembly of that year, soon to resume her first name). His popularity is proved by his election to the House of Commons in 1786, 1788 and 1789. In 1788 he was likewise a delegate to the Convention called to consider the Constitution of the United States, and voted with the minority against the resolution to postpone it. He was sustained by his constituents, and the next year was elected a member of the Convention of 1789, as well as of the General Assembly. In this Convention he was one of the 194 against 77 which made North Carolina a part of the Union. He also succeeded in having the State constitution of 1776 amended so as to make Fayetteville a borough town, entitled to a member in the House of Commons, as were Edenton, Newbern, Wilmington, Halifax, Hillsborough and Salisbury. He had two years before induced the General Assembly to constitute Fayetteville a district court town, in which superior courts were held twice a year for several counties.

Mr. Grove's popularity was such that he was easily elected to the first Congress and continuously thereafter until he went down in 1803 before the irresistible Republican party. He was thus a member of the House of Representatives of the United States during the most critical period of the new government. He served during most of the administration of Washington, all of that of Adams and two years of Jefferson.

He was in the main a supporter of the measures known to be approved by the Federal leaders. On questions regarded as of peculiar interest to the South he voted with his section.

He opposed the bill giving bounties to the great Great Bank and Cod Fisheries. When Washington vetoed the bill to apportion representatives, because not in accordance with the Constitution, he sustained the President. He naturally favored the law for the restoration of fugitives laves, and did

not favor the proposal to levy duties on tobacco and sugar. He opposed the increase of our navy for the Algerine war. In the dispute with Great Britain, which led up to Jay's Treaty, he favored the non-Intercourse measure, and notwithstanding its unpopularity in North Carolina, voted for carrying into effect the provisions of the treaty. In this he was conspicuous for courage, as with him were only three members south of the Mason and Dixon line, all the other Southern members siding with Madison and other opponents of the treaty. He gave his vote for the direct tax, and for appropriating a sum sufficient to finish the frigates Constellation, United States and the Constitution, (old Ironsides). He generally sustained President Adams. He voted for protection to our commerce, and establishing a naval department. In contemplation of a probable war with France he favored raising a provisional army. He showed more courage than political discernment when, alone, of all the members from his State, he voted for the Alien and Sedition laws. Other measures supported by him are the suspension of Intercourse with France, the prohibition of the slave trade, mausoleum to Washington, and the repeal of the Sedition law. He opposed the the repeal of the act authorizing the appointment of additional judges, usually called the "Midnight Judges," also the admission of Ohio as a State, and the receding to Virginia and Maryland of jurisdiction over the District of Columbia.

The foregoing statement shows why Grove, like Davie and other able and patriotic Federalists, was unable to withstand the overwhelming forces of Jeffersonian Republicanism.

Grove's political career, was closed after losing his seat in 1803. He however did his State much service as an active and efficient worker for its University. It shows his high rank in the public confidence, that, when in 1789 in its charter were named as Trustees forty of the most eminent citizens who had already attained, or were destined to attain, the highest positions as Governors. Senators, Judges, Representatives in Congress, and the like, Grove was one of the number. He

held this office until 1818, probably the date of his death, and was always ready to give the struggling institution wise and ready aid. President Caldwell was in the habit of consulting him about the appointment of Professors, and the purchase of books and apparatus for instruction. On the whole he was an honorable, intelligent and highly respected servant of the people.

JAMES HOGG.

James Hogg was no politician and never aspired to, and probably would never have accepted, public office. He was, however, one of the most influential men of his day, and his descendants have been, and are now, most honorable and useful citizens.

He was a native of East Lothian, Scotland, and resided in that section until after his marriage and the birth of several children. He then removed to a farm leased by him in the parish of Reay, near Thurso. He was made a Justice of the Peace and, by his activity in the detection and punishment of crime, then very prevalent in the Highlands, he incurred the bitter enmity of the natives. In the autumn of 1770 a ship was wrecked on the rocks in sight of his home, and, as in duty bound, he displayed great energy and pluck in saving the goods from the wild wreckers, who claimed the ancient right of pillage. A company was formed to murder him. His home was broken into and finding that he was absent the malefactors burnt it. Nothing daunted he did not rest until the perpetrators were brought to justice. He then determined to emigrate to North Carolina, where some of his relations had preceded him. After much stormy weather and consequent delay he landed in Wilmington in 1774. By his persuasion a goodly number of his neighbors accompanied him, among them, the Straughans, or Strayhorns, Craigs, and McAuleys. He settled first at Fayettville, as a merchant, carrying on business at that town and Wilmington, in conjunction with his consins, Robert and John Hogg.

During the Revolution he took the side of the colonies and served during the war on the Committee of Safety, travelling on one occasion to Connecticut on public business.

After the war he continued his mercantile pursuits for some years, and then concluded to retire from business and devote himself to agriculture. He purchased a plantation of 1160 acres on both sides of Eno river near the corporate limits of Hillsboro, and for some time resided on the north side of the river in what is now called "the Old House," in the beautiful park of the late Paul C. Cameron. He then in 1880 built him a home on the south side and named it Poplar Hill, for many years afterwards the residence of the Norwoods, now the model farm of Julian S. Carr, called Occonechee. There are still on the place ornamental trees and shrubbery of his planting.

Mr. Hogg was one of the picked men of the State—forty in number, selected in 1789 to carry into effect the mandate of the Constitution of 1776 requiring the establishment of the University. In those days of wretched roads and few bridges travelling was attended with numerous discomforts, but he was one of the most punctual and active Trustees. He was at the first meeting on the 28th of December, 1789, and at the second in November, 1790, when; as agent of General Benjamin Smith, he presented to the Board warrants for 20,000 acres of land to be located in West Tennessee, whenever the Indian title should be extinguished. He also answered to the roll-call in August 1792 and doubtless voted with the majority, for Cyprett's Bridge over New Hope in the county of Chatham, as the centre of a circle thirty miles in diameter, within which the University should be located. When one commissioner from each Jucidial District was balloted for to select the site, he was elected, the others being Wm. Porter, John Hamilton, Alexander Mebane, Willie Jones, David Stone, Frederick Hargett, Wm. H. Hill. On November 1st, 1792 he met at Pittsboro five of these commissioners, Hargett, Mebane, Hill, Stone and Jones. After inspecting various points in Chatham, they fixed on Chapel Hill, the owners of the land generously donat-
1080 acres.

Mr. Hogg's interest in the University did not end here. He

assisted the young institution by his wise counsels in the selection of its professors, the adoption of its curriculum and starting on its career of usefulness, until his resignation in 1802, which was caused by a paralytic stroke, under which he lingered until his death in 1805.

The family name of James Hogg, which is said to mean in Scottish, a year-old lamb, is not among his descendants. Those were the days of rough jokers, who spared not age nor dignity. Annoyed by witticisms on boars, pork, shotes, pigs, hams, sausages and other hog products, in allusion to himself and his children, he applied successfully to the General Assembly to change the last name of his sons Walter and Gavin, to Alves, their mother's maiden name. He said that his daughters had power to change their own names and hence they are not fonnd in the Act of Assembly.

He was a member of the great Transylvania Company, of which Judge Richard Henderson was President. This company assumed to buy of the Cherokee Indians an immense tract of country, part of the present states of Kentucky and Tennessee. The states of North Carolina and Virginia declared the sale illegal, but each allowed the company 200,000 acres by way of compromise. Some of the descendants of Mr. Hogg left the State and settled in Kentucky on part of this purchase.

The wife of James Hogg was McDowal Alves, daughter of Alexander and Elizabeth (Ingles) Alves. Of their children Walter and Gavin Alves were successively Treasurers of the University and the former was also Secretary and Trustee. Walter Alves was Commoner of Orange county in 1793, '94 and '95. He married Amelia Johnston, daughter of another member of the Transylvania Company, a merchant of Hillsboro, and settled near Henderson, Kentucky, said to have been named after John Henderson, who married his daughter. There are many descendants of Walter Alves, five of whom in the first quarter of the late century, were students of the University of North Carolina.

Of the daughters of James Hogg all changed their names. Elizabeth married John Huske, leaving two children, John, from whom are descended the Huskes of Fayetteville, prominent among whom was the late Rev. Joseph Caldwell Huske, D.D., and Anne Alves, the wife of Mr. James Webb, of Hillsboro, from whom came many excellent citizens. Helen, the second daughter, married Wm. Hooper, son of the signer of the Declaration of Independence of the same name, and had a son, William, who became a prominent professor of Ancient Languages and Baptist preacher. She married a second time, Rev. Joseph Caldwell, D.D., President of the University for thirty years. They had no children.

Robina married Judge William Norwood, and left a numerous and influential posterity, among them Rev. Wm. Norwood, D.D., of Virginia, the sound lawyer John W. Norwood, of Hillsboro, Colonel Wm. Bingham, Colonel Robert Bingham, and Major Wm. Bingham Lynch.

On the whole, considering the good he did in his day, and the incalculable beneficial influence of his descendants, it may well be doubted whether our State has ever had a more valuable citizen, than James Hogg.

LETTERS.

Gen. Steele to Col. Jos. McDowell.[1]

Salisbury Novemr. 20th, 1794.

Sir:

I have been informed by several persons that during the late Superior Court at Morganton, you took the trouble to circulate a variety of objections against my conduct, while acting in the capacity of a Representative in Congress.

What purpose these objections were intended to answer or what motives produced them are equally immaterial, the public manner in which they were mentioned entitles them to some notice. This can only be done at present by requesting that you will do me the favor to particularize in writing such parts of my public conduct as amount in your estimation to a dereliction of the interests of the State which I then represented and particularly what authorized you to say that I was not a friend to the western parts of North Carolina.

In doing this, let nothing be kept back, for scrutiny is desirable where motives are pure and actions virtuous.

Truth which is due to an enemy, as well as a friend is all I require, and if you have been imposed on by misinformation in regard to me, I will venture to believe, that your candour, upon being better informed will induce you to acknowledge it. In the meantime however I cannot help lamenting, that you or any representative of North Carolina should be willing to receive impressions unfavorable to a citizen of your own State, from the report of mere strangers, while Mr. Macon and Mr. Grove were present, from whom the truth, and all that the truth

might have been obtained. These gentlemen are independent of all parties, they must recollect that the Representatives of this State were unanimous on the motion to reduce the army as amended by Dr. Williamson, and in opposition to the extention of the indian war, they remember also the reasons which influenced these two votes, and on their report I intend to rest this part of the business.

Copy of a letter to Col. Jo. McDowal, inclosed to Mr. Grove.

[1] These first two letters throw light on the first letter of Macon, which follows.

All the letters are printed with the spelling, etc., of the originals.

Col. McDowell to Gen Steele.[1]

philedelphia Jan.-12th-1795.

Sir

I received your letter the contents of which I have attended to and as to what you mentioned that should have fallen from me at Morganton at the September terme, I recollect perfectly that when in conversation with the Judges & Some of the attorneys, when politics were the subject of conversation, and the parties in Congress mentioned and the part that different Characters had taken & you among others, I recollect mentioning that you were considered by a great number of the Members from the Southern States and by those from Pensylvania & Virginia in perticular, to have joined the aristocratical party, stating that when you first came forward and perhaps for the first Session you were strongly opposed to the [2] Secretary of State, & to certain men and measures, but that they had by some means they could not account for got you to join their party and that after which you advicated their Charactors & Cause more streneously than you had at first opposed it I not ready at first to credit this report but when so repeatedly stated, I began to suppose there was some truth in the assertions,

and as to what I mentioned respecting your Conduct towards the frontiers, that I took from the

assertion of Mr. Dayton of Jersey in the House which was not contredicted by any person and further it was mentioned to me in privet by Mr Clark who brought forward the resolution, for calling forth the Melitia for the protection of the Southwestern Frontiers to act on the defencive or offencive—which I found you Voted against and was told you exerted yourselfe in argument against which I did not think so much of as your ater Conduct as Stated by Mr. Dayton [3] in the House—when he Called up your Conduct and stated that you argued and acted differently when the galeries were Open than what you did when they were closed, and further Stated your—Calling up several letters, Charging the Conduct of the people on the frontiers and that assigned & exposed their conduct to the extent, and that you stated you well knew the Whites were as much if not more to blame than the Indians and mentioning your having a General knowledge of their transactions but how you acquired that knowledge I am at a loss to say, but admiting it to be the fact—Such an account of the Conduct on the frontiers must opperate strongly against protection being granted them as you well knew the Opposition which generally exists with Eastern States

and I do asure you I want to have been frendly enough to have wrote you respecting the—manner in which Mr Dayton araigned your Conduct, but expecting MrGrove or Mr Macon would as you and them was in the habit of corresponding with you, the information and report of your conduct made such impressions on my mind as I conceived to be my duty to make it known and in that way that you would heare of it, but as to my mentioning many people or taking pains to do it is wrong and as to what you mention about Motives you Sir nor no other Man under heaven has a right to call in question as I have given proffs Sufficient to the world—

the inclosed paper will give you the news—

I am Sir

your most Humble Servant

Jos McDowell

Genl.

John Steele—

NOTES.

[1] There were two Joseph McDowells. The writer of this letter was known as a "Quaker Meadow Joe," the other, his counsin and brother-in-law, being "Pleasant Garden Joe." The first was major at Cowpens and King's Mountain, often a member of the General Assembly, a member of the Constitutional Convention of 1788, and a representative in Congress, 1788-'95 and 1797-'99. In 1797 he was a commissioner to run the dividing line between North Carolina and Tennessee. He died August 11th, 1801, aged forty-five.—a strong Republican.

Joseph McDowell Jr.,of Pleasant Garden,was a physician, a captain at King's Mountain; member of the Constitutional Convention of 1788, and of the General Assembly.

[2] As Jefferson was Secretary of State it is probable that Col. McDowell meant to write Secretary of the Treasury (Hamilton).

[3] Jonathan Dayton, of New Jersey,—officer in the Revolutionary army, delegate to the Constitutional Convention of 1787; Representative 1791-'99; Speaker of the House, 1795-'99. A friend of Aaron Burr and suspected of being privy to his conspiracy in 1807.

Nathaniel Macon to John Steele.

Philadelphia Decr. 11th–1794.[1]

Sir

Your letter of the 22d ultimo[2] addressed to [3]Mr. Grove, which was intended as well to myself as him, has been shewn me together with its enclosures. The speech was delivered during my confinement the date of Clarks motion[4] will plainly shew you this, and I am really sorry that it is not in my power for that reason to say a word on that subject or to sign the certificate agreable to your desire, Although I was not present when you made the speech, I remember perfectly well, that you, Grove and myself agreed that the motion, which occasioned it, was a very im-

portant one, and that we agreed in sentiment on the subject, and as well I recollect the speech contains the substance of our conversations on the subject of the motion, except that I thought the constitution would not warrant the giving such power to the President, though I could not have made the observation in the house for a reason before mentioned. On a bill of a similar nature last session I made objections of the same kind. Indeed I am certain, that [4]I never shall consent to give such a power to any President —Grove and myself have examined the journal for the message of the President which you want, But have not been fortunate enough to find such a one, the other papers he will send you

It appears to me that proper reflection and time will convince every one, that you have deserved well of the State, It is said there are [5]two parties in Congress, But the fact I do not positively know, if there are, I know that I do not belong to either, But what is strange to tell, and at the same time must be a convincing proof that you acted independently, is, that there is good reason to believe that neither of these parties are desirous to see you here again—

With sentiments of respect and esteem
I am Sir
Yr most Obt- Sert
Nathl Macon

Genl. Steele

NOTES.

[1] The seat of government under the present constitution was for the first year 1789-'90 at New York, then at Philadelphia until 1800, then removed to Washington City.

[2] We have not a copy of this letter.

[3] Wm. Barry Grove, a sketch of whom may be found on preceding pages.

[4] It seems that Steele was accused of having joined the "Aristocratic party." Also that on Clark's resolution for calling out the militia for the protection of the Southwestern frontiers. Steele was in the opposition and was alleged to have said that the whites were as much to blame as the In-

dians. Of course it was charged that he was not a friend to the people of the West. He seems to have applied to Mr. Macon to set him straight.

[4] Abraham Clark, who offered the resolution was in the Continental Congress 1776-'82; in that of the Confederation 1787-'8 and Representative in Congress of the United States 1791-'94.

The Presidential powers considered by Mr. Macon to be dangerous were such as the exclusive authority to issue passports to those going beyond the Indian boundary line, to remove by force those attempting to settle west of the line, to give redress to those injured by the Indians.

[5] Historians are generally of the opinion that the advocates of a strong government and those jealous for States' Rights were in opposite camps before December 1794, Hamilton the leader of one and Jefferson of the other. Mr. Macon evidently means that these parties were not yet organized openly.

Macon to Steele.

[1] Buck Spring 15 Septr—1802

Sir

[2] Mr. T, has returned fr om Peterburg and delivered me the enclosed I hope it will be deemed satifactory to the gentlemen of the turf in and about Salisbury—I have nothing worth telling you, I live almost too retired for the neighbourhood news, I send to Warrenton now & then for the news, and what is old to most others is new to me

I had like to have forgotten to have told you that I have a grandson, a stout and hearty looking fellow

We have generally pretty good crops of Corn, tobacco will be rather short both as to quantity & quality, but as some have planted a good deal of Cotton this may probably nearly balance the deficiency in the quantity of tobacco, I mean as to value

This is Friday though I am not sure what day of the month, I have guessed the 15th

I saw [3] General Davie to day who appears to be in in good health

I have only a word more, which is an important one

both to you & me, and will no little interest the feelings of some of my friends near you, which is this, That you will with the consent of your family leave home on your return to Washington so as to stay a day with me I would rather ask for a week or a month but this I fear would not be granted, one day is as little as could be asked, yet I know it is much for you & your family to grant; If it shall be convenient for you to make this trip, pray write me when I may expect you,— We have some races I believe in November at Warrenton, perhaps you could take them in on your way, if so I will advise unless it should be advertised in the papers the day

I have written this in some haste

I am Sir yrs. sincerely

Nathl Macon

(Mr. Steele)

These are the Weights agreeable to the New Market Rules of racing——

three	Year Old	to Carry	86 lb
four	Ditto	Ditto	100
five	Ditto	Ditto	110
Six	Ditto	Ditto	120
Seven	Ditto	Ditto	130

Sterling Gary

Keeper of the Course

Septr. 10. 1802

NOTES.

[1]Buck Spring was Macon's plantation, a few miles from the County seat of Warren County.

[2]The trade of Warren County was, in Macon's day, transacted in Petersburg, Virginia.

"Mr. T." is probably James Turner, who was a private with Macon in the Revolutionary war. He was Governor of North Carolina, 1802-'05, and United States Senator, 1805-1816. He had a large plantation in Warren and raised racehorses. His son, Daniel Turner was a Representative in Congress, 1827-'29. Daniel's wife was a daughter of Francis S. Key. A daughter of Governor Turner married George E.

Badger, a Judge and U. S. Senator. Macon also raised horses and patronised the turf.

[3] General Davie was Wm. Richardson Davie, ex-Governor and a special Commissioner to France together with Chief Justice Oliver Ellsworth and Van Murray. Their embassy averted war. Davie was called Father of the University of North Carolina. He was defeated for Congress in 1802 by Willis Alston.

Steele to Macon; (a copy).

Dear Sir,

I thank you for your two favors concerning the weights to be carried by running horses. The certificates will settle all disputes. Our Judges have concluded to fix the same for each day. Between fifteen and twenty horses are in keeping for these little purses. It diverts me to see how much the passions of men can be excited in competition even for trifles.

There are few things, my friend, I do assure you which could afford me greater pleasure than to pay you a visit in Warren:–but in my present circumstances it is totally impracticable. Since the last of Augt. my family has been so much indisposed [1](Mrs. Steele of the number) that I have not in my power to make any arrangements in my private affairs preparatory to their removal to the seat of Government, and it is too irksome to live there as I have done for some time past without them. Thus circumstanced I have found myself under the necessity of relinquishing (for the present) the intention of returning. The mail which carries this carries also a letter to the President requesting him to accept my resignation. After the sickly season [2] shall have passed, my plan is to amuse myself with improvements in agriculture, and as my principal business to resume a course of general reading which my appointment six years ago interrupted. These will fill up my time to the exclusion of politicks, and with them I trust every passion which could disturb a virtuous and tranquil retirement. I have done justice to my feelings by assuring the President "that I am duly sensible of

his polite treatment and that in future it cannot but be a source of pleasing and grateful reflection to me to have been invited by him to continue in the Office." This alludes to a letter which he had the goodness to write to me last summer before the recess of the Executive in answer to my application for leave of absence. The greater part of my letter to the Secty. of the Treasy. is on business. It contains the following paragraph.

"In conducting, for six years past, the business of an office distinguished for the labor and responsibility which it imposes my first object has constantly been fidelity to the public, the second, a respectful deportment towards those with whom it was my duty to maintain official intercourse. It will afford me no small degree of gratification to understand that I have succeeded in these to your satisfaction."

Mr. Macon.

[1] Salisbury and its neighborhood were for many years much afflicted with malaria. The existence of a large mlll-pond was thought to have been the guilty cause. The great improvement in health since its abolition points to the truth of the theory.

Grove to Steele.

Fayetteville Oct. 1st 1802

My Dear Sir

I returned yesterday from Hillsboro where I went on the 6th Sept. with Mrs G on a visit to her friends, on my return I found in the Post office your favor of the 16th ult. which gave me the first information of your return home, altho' I made inquiry after you while in Orange. I hope your family have recovered since you wrote, & that you continue to enjoy good health in your native clime tho' Salisbury is loosing its reputation of being healthy.

From your letter & the copy of the one to the head of your Department, which you done me the favor to inclose for my perusal, I perceive with regret that you have new cause to be dissatisfied with your situation in the Govt.

As soon as I read the report of the *Investigating*, discriminating & criminating Committee, I could not help seeing the *deep cut* made at the Former Treasury Depart. From the temper and Views of the majority of the Committee, it was to be apprehended they would seize on every Possible case to injure the feeling & reputation of the former Administ. but from the Examination & report of the Committee of the session before last, on the Treasury Depart, I did suppose the *new investigation* would find little to add, as to that branch of the Government, but in the spirit of the times, they have wisely and economically discovered, that for want of *their legal and saving construction* of the acts of Congress, monies have been disbursed without an act of appropriation, of course these monies should be refunded, & they the Committee appointed as a Standing Board of expounders —!—The contempt mixed with indignation which that late Report excited in me induced me to think, that the men of sense and decency of their party would condemn it, as a crude, partial, & ignorant production—& that tho' they might for political reasons *wink* at its censure, I did not presume that the head of any Depart. would sanction & adopt the report as the rule of their office—I am really sorry to find there is reason to believe it otherwise, & that the present Head of the Treasury in the case of '*Woodside* is disposed to give a new construction to the Law, so as to produce a clashing of opinion Between your Judgement & former decisions, and his own—If this dfference of opinion on the meaning of Law, arises alone from the honest & impartial Judgment of the Secretary, or is unconnected with any other cause or motive than a desire to construe Laws fairly, I can not think it should add to your inducements to leave the Department—of this you alone can best judge—But while you are permitted to act and think independently on your own judgment and sentiments, & are treated with that delicacy and attention due to your success, your character & your situation, I most earnestly wish you to continue in office—If this is not the case, I know you too well, to suppose you would act with any set of men.

We have no news here, and were it not for the rail-

ings and abuse of [2] Duane, [3] Callender, &c. against each other, we should find the papers dull, but these fellows unfold some things worth knowing respecting the falsehood & knavery which has been going on among them, & are fulfilling two things, that Dog will eat Dog; and that when rogues fall out honest men come to their right.

I am very certain you join me in regretting—sincerely regretting the fate of poor [4] Spaight. He has fallen a sacrifice to his own violence of temper, for he might have adjusted his dispute with honor, without going to extremities.

Flour will probably continue about 5 to 6$—Cotton from $12 to 15$ per cwt, picked—3 to 3½ per cwt. in seed—and indeed I fear that all kinds of produce will be low compared to late years—[5] Shells are generally to be had here at ⅙ to ⅛d per Bushl. —lime is dearer & scarce.

Mrs Grove desires to be united with me in a tender of our best respects to yourself, & Family, and particularly to Miss Ann——

Believe me My Dear Sir

With real esteem & regard

Yrs Sincerely

(John Steele Esq) W. B. Grove

NOTES.

[1] Decision of Gallatin, Secretary of the Treasury, relating to drawbacks on sugar.

[2] William Duane, from 1795 to 1822 editor of the leading Democratic paper, the Aurora, of Philadelphia.

[3] Thomas Callender, convicted by the influence of Judge Samuel Chase for passages in his pamphlet, "the Prospect before us," which were construed to be libellous under the Sedition law. President Jefferson pardoned him.

[4] Ex-Governor Richard Dobbs Spaight, killed by John Stanly in a duel. The Federalists, as a rule, sustained Stanly. The Republicans declared that Spaight was in the right and that Stanly (a Federalist) was a murderer. Stanly was pardoned by Governor Benjamin Williams. The quarrel occurred in their canvass for Congress.

[5] Oyster and other shells were, at that date, bought in bulk

and burned for lime. They were hauled by wagon from Fayetteville to Chapel Hill for that purpose.

Macon to Steele.

Buck Spring 10 Octr. 1802.

Sir

Yours of the 30 ultimo has been received, and it is with real sorrow that I learn of your determination to resign. The reason which produces the resignation is surely a cogent one, but I think it probable that the season is approaching which will restore your family to health, and then you might with convenience have removed them to Washington; The office of Comptroller is surely among the most important in the U. S., especially as it relates to revenue; besides this, the settling accounts with foreigners, is one in which both the interest and honor of the nation are concerned; nor can I close this sentence without repeating my sincere regret at your resignation; who will be your successor I cannot even guess, no doubt many may be found willing enough to accept the office who know nothing of the duties; and I devoutly wish that a successor[1] may be found, adequate in all respects to the office; I know from the best authority that the President was highly pleased with your conduct, but I am repeating what I have before told

The hot foggy weather has injured tobacco in some instances by moulding it, The crop will not be large, nor of extraordinary quality, Cotton it is said promises well, The crop of corn is generally good

I wish more than ever to see you, but God alone knows when this will be, Had I the time to spare I would take a trip[2] to Salisbury

I am with perfect respect

Sir yrs. sincerely

Nathl Macon.

(Mr. John Steele
Now at Salisbury
No. Carolina)

NOTES.

[1] Steele's successor was Gabriel Duval, who was Comp-

troller until 1811. He was a Representative in Congress 1794-96, then Judge of the Supreme Court of Maryland. In 1811 he was appointed a Justice of the Supreme Court of the United States and held the office until 1836.

[2] By the travelling methods of that day a journey to and from Salisbury took about ten days, provided there were no freshets in the streams. These might delay the traveller much longer.

Steele to Macon.

Salisbury April 11th 1803

Dear Sir,

By Major Williams who left this place at the close of our court I wrote you a few lines in which I omitted to remind you of your promise to see me in the course of the ensuing summer. Nothing I assure you would give me more pleasure than to take you by the hand at my hut, and our girls hope you will favor them with the company of your daughter at the same time. They will do everything in their power to make her time while here pass agreeably. In return for a few weeks of your own society I will treat you with some of the *Visions* of a cidevant. A station in the background you know sometimes affords views not altogether uninteresting to those engaged in the busy scenes of the front ranks. The only merit of mine is that they have been formed with calmness and deliberation. [2] There is one important subject on which I cannot forbear to give you a few hints in anticipation. A good deal of reflection since has confirmed me in the opinion I expressed to you about a year ago. The reasons in support of that opinion wd. be too long for a letter by post. I allude to the Mandamus, and the fashionable doctrine which it was made use of to establish, that the courts have power to pronounce Acts of Congress unconstitutional and void. There is a remarkable coincidence in the arguments lately published of [3] Mr. Lee and the Chief Justice.[4] To whom the credit of originating and digesting them belongs is not perhaps material. Between them they have made the most of the occa-

sion. Logicians in the forum like Partizans in the field show their skill by passing the strong and selecting the weaker points of attack.

It is certainly a sound principle that in a well organized government of Laws as we believe ours to be every wrong shd. have its proper remedy. If this principle can be shown to have its effect in the cases stated by the Chief Justice the necessity for judicial interference will not exist, as all the arguments in favor of such interference are predicated on hypothesis that an injury has been done to the applicants by the Executive and that they are without remedy except from the Judiciary. This is the point which the Chief Justice and the learned counsel pretended to examine. By the theory of our Government the Legislature, the Executive & Judicial departments are in a certain degree, or for certain purposes distinct. It is inaccurate to suppose them equal in trust, or in power. The officers who compose the President's council are his constitutional advisers and with him form what is denominated the Executive. Should the Secty. of State a constituent part of this great department do wrong in his official capacity to an individual or the public with or without the sanction of the President the intimate relation which the constitution supposes to exist between him and the President may be dissolved by removal or impeachment after which he is amenable to the Judicial authority in the form of an indictment and perhaps by civil process. Until that connection be dissolved the official acts of a Secty. of State are to be regarded as the acts of the President. With respect to them he stands on Executive ground not examinable by the Judiciary. The courts have no constitutional power to inquire whether (for instance) a patent for land be wrongfully or rightfully withheld. If withheld the first step of a purchaser supposing himself entitled shd. be by petition to the President, afterwards if redress be refused by petition to the house of Repvs. where impeachments originate. The remedies in the power of these two authorities to afford cannot fail to be effectual, the course to be pursued to obtain them is plain and consistent with the most obvious principles of our Govt. It avoids that worst of political evils a

war of Departments, and the disorganization and public injury which such collisions produce in a country where opinion is free if neither of the contending authorities (as is the case with the Executive and the Judiciary) be in relation to the other paramount, and if one of them as the Chief Justice has avowed shd. refuse to acknowledge the Legislature as the common and rightly superior of both. Admit the right of the supreme court to step on Executive ground in the case of a patent or a pension and you subject at once the Comptr. to judicial discipline and all the vast concerns of the Treasy. to the revision of a department which in theory is the third but in practice aims at becoming the first power of the state. With respect then to the particular case of Mr. Marbury & others they cannot in my humble opinion demand either their commissions or transcripts from the records of the Secty. of State as matters of right and after the opinion given by the court that a transcript would be of equal validity with the original it would be wrong to furnish it as matter of courtesy. It was here that the Chief Justice showed his skill in passing over the most formidable objection without notice. Both he and the learned counsel treated it in their argument as a point conceded that the Justices ofthe peace for the district of Columbia are Judges in the sense of the Constitution. The law which provides for their appointment contains the refutation of this opinion. They are to be commissioned for five years and not during good behavior. There are but two descriptions of tenures by which offices are held under the constitution. All offices must be of one or the other. If the Justices are Judges in the sense of the constitution the law which limits their appointment to five years is *unconstitutional*, and of course according to the Chief Justice *void*. Any tenure different from that prescribed by the constitution "*during good behavior*" would be so. If they are not Judges in this sense they are like other officers removable by the President. The law can not be valid and void at the same time, good to vest the power of Judges but void as to the limitations of their authority. This is too great an absurdity to be seriously maintained, and yet without recurrence

to some such fiction it is difficult to perceive on what foundation the title of the Justices of the peace for the district of Columbia to hold their offices independently of the will of the Executive rests. It cannot be from the nature of the duties to be performed else the Comptr. Auditor, Accountants, Commrs. under certain laws and treaties wd. be equally independent for they all perform duties in a certain degree judicial, and in some points of view much more important to society. The act which provides for this appointment must then be presumed the only foundation of their independence and this proves as clearly as a point can be proved by implication that they were not to be regarded as Judges in the sense of the constitution and that the term of five years was fixed for their service merely that the Executive department might at stated periods review the roll and leave out such as age or other causes had rendered unfit without recurring to the painful alternative of removal.

The President is said to derive the power of removing all officers not commissioned to hold their offices during good behavior from the constitution, if so according to the maxims of the Chief Justice an act to divest him of that power or to restrain the exercise of it in terms wd. be unconstitutional and void. The consent of the President to such an act wd. be equally unconstitutional because Congress even with his approbation cannot alter the constitution. In England it is otherwise. But even there "the King is not bound by any act of parliament unless he be named therein by special and particular words. The most general words that can be devised affect not him in the least if they may tend to restrain or diminish any of his rights or interests:—for it wd. be of the most mischievous consequence to the public if the Executive power were liable to be curtailed without its own express consent by constructions and implications." The limitation of five years then cannot create an independence of the Executive to whom it exclusively appertains as incident to the power of Appointment to determine when and how vacancies happen free of any kind or degree of responsibility to the judicial department and consequently a right to demand the

Commissions, or transcripts of them, or to exercise in virtue of either the authorities of Justices of the peace contrary to the will of the President is without foundation. A case exactly in point occurred not long since in Pennsylvania. The present Gov. removed an officer, I think the Adjt. Genl who held his appointment under a law which fixed the tenure to a term of years like that of the Justices of the Ds. of Columbia. There was moreover a salary attached to this office which in a state where rights are so well understood and so highly valued as in Pennsylvania wd. not have been yielded if a power to revise and correct the procedure had been supposed to exist in the courts. However men may differ in their opinions as to the expediency and perhaps the justice of some parts of Mr. McKeans political conduct all I believe agree in paying homage to his professional knowledge and it is for this reason only that the case is cited.

Can the Judge, by Judicial sentence pronounce Acts of Congress unconstitutional and void? This is a power so transcendent and calculated to alter so essentially the relations which difft. departms. of Government bear to each other that it shd. have some better foundation than the constructive inferences of those who claim and are to exercise it. By the theory of our Govt. the three great depts. are distinct though not equal. The Legislature in the nature of things is supreme because it not only prescribes rules of action but possesses independently of the other departments the power of compelling obedience. Its members moreover are under the same solemn obligation to do right and support the constitution inviolate, and possess the same right to determine in their legislative capacity the meaning of its doubtful parts, that the Judges do in their official capacity. That both Houses of the Legislature formed as they are, the Presidents and heads of Depts. shd. be more liable to be mistaken or more disposed to violate it than perhaps a bare majority of the Judges of the supreme court is not to be conceded. Whence then originates the error in supposing that the judges possess this new & gigantic power? I answer, in the facility with which small bodies of men can be brought to

embrace an opinion favorable to their own dignity and official influence, to the common interest which gentlemen of the law feel throughout our country in extending their sphere of action by increasing the jurisdiction of the judicial dept. and as a necessary consequence the chances of litigation—but above all to inaccurate notions which are perhaps the offspring of the foregoing combination concerning the original distribution of the powers by the constitution and the indulgence with which that Dept. on accot of its weakness has been regarded by a generous people. If a bill having passed thro the forms of both houses shd. be returned by the President because he deemed it unconstitutional, two thirds of each house aftds. concurring it becomes a law the opinion of the Executive notwithstanding and the Secty. of State must receive and deposit it among the rolls accordingly. Can it be presumed that a prerogative defined with scrupulous exactness and limited in reference to the second department of Govt. sh'd have been intended by the convention to be confided to the third by implication in a sense as broad too as the most express words could convey it. A doctrine so entirely unsupported by reason and analogy cannot stand the test of examination. How then it may be asked are the Judges of the Supreme Court to act in cases where they conscientiously believe the law and constitution to be at variance? 1st they sh'd suspend their decision and present to the President a respectful representation for the purpose of having the attention of the Legislature called to the subject. If after considering the representation of the Judges an attempt be made to repeal the law without success, or if a session be allowed to pass without repeal or modification it then becomes the duty of the Supreme Court to acquiesce in the same manner as an inferior tribunal is bound to yield obedience to a superior. It is hence the difficulty originates. The Supreme Court cannot regard the Legislature as a superior tribunal and until its superiority is established decisively the question will remain unsettled. The solemn mockery of the oath applies equally to the members of the Legislature and of the Executive who were concerned in the passing as to the Judges and officers whose

duty it may be to execute a law which the latter may deem unconstitutional. A district Judge for instance may conscientiously believe a tax on carriages unconstitutional yet if adjudged to be otherwise by the Supreme Court he is bound to yield acquiescence and give it execution. It is equally clear that the Supreme Court owes and may be compelled to yield similar obedience to the deliberate and solemn acts of the Legislature the highest and most august tribunal of a free country. Order and the genuine relations of Govt. cannot long be preserved in any other way.

NOTES.

[1] Probably Marmaduke Williams of Caswell, who was elected to the State Senate in 1802 and the next year to the House of Representatives of the United States. He served until 1809, and then removed to Alabama, where he was a delegate to the convention which formed the State Constitution. In his old age he was County Judge.

[2] In the case of Marbury vs Madison, Secretary of State, the Supreme Court held that the plaintiff, having been appointed Justice of the Peace for the District of Columbia by the President and the Senate having approved the nomination, the commission having been duly signed and sealed and left by the late Secretary undelivered, was entitled to his commission, and that mandamus should lie to compel the delivery by the new Secretary of State, but that the act giving the Supreme Court original jurisdiction was unconstitutional. Although the power and duty of the Court to nullify unconstitutional acts is now universally conceded, able men in that day thought otherwise. General Steele's letters gives their line of argument.

[3] Charles Lee, Attorney General 1795 to 1801. He had been Delegate from Virginia to the Continental Congress.

[4] Chief Justice John Marshall of Virginia. He advocated in the convention of 1788, the adoption of the Federal Constitution; Envoy to France with Gerry and C. C. Pinckney in 1797; Congressman 1799–1800; Secretary of State 1800–'01;

Chief Justice of the United States, 1801 to his death, July 6 1835. Author of Life of Washington.

Macon to Steele.

Raleigh 11 June 1803

Sir

I have to acknowledge the receipt of your two letters the one by Major Williams, the other postpaid, The last received at Washington, I think was answered, though of this I am not certain; The great hurry of business and the very constant and lengthy sittings of the house may possible have made me neglect to answer, The house was very seldom in committee of the whole, and were in session from nine to eleven hours for a few of the last days; The fatigue occasioned by this constant delay, had nearly overcome me, though having relectuntly undertaken the task, I had at first determined not to yeild to any duty but the absolute loss of health. in this determination in every circumstance I uniformly persisted, and was for a short time after the adjournment really apprehensive, that my constitution was considerably injured, but this apprehension was soon entirely removed, and I have since enjoyed my usual good health

I have duly considered the contents of your last letter, and candidly acknowledge that I think there is great strength in your arguments, but my doubts are not completely removed. cases may be stated to shew that the court did not possess the power to declare a particular act unconstitutional, other cases might be stated in which it would seem that they had the power; of the first kind is the law to apportion representatives, The pay of Members of Congress, The articles of war for land & naval service &c. &c.; Because none of these require their aid to carry them into execution; of other kind is the power of the supreme court to hear any original suit, when the authority is not derived from the constitution, such an action for debt between the two citizens of the same state &c. &c. These would require their aid to carry them into operation, The court

must make every declaration of the unconstitutionality of a law at their peril; because the judges are made accountable for their conduct by the constitution, & if Judges could declare acts void; without being liable for their actions, they would be the supreme authority of the nation, and that without controul—and the only department in the Government where a power might be exercised to any degree, without the least check or controul by any other department of the Government; I confess the mode for the Judges to proceed, where they believe a law violates the constitution, as pointed out by you, would be the most adviseable, and liable to the least objection, both in practice and theory, but the true question is have the courts the power from the constitution of the U. S. to declare a law unconstitutional; In the case of the mandamus, the opinion of the Court as to the result was correct; the rule was discharged. but the reasoning which lead to the conclusion, seems to be directly opposed to it, and put me, in mind of a noted member of Congress who always spoke on one side, and voted on the other. if they had no power to determine on the merits of the complaint they had no authority to grant the rule in the first instance, and the mandamus ought not to have been issued, the argument on which the question seemed to be decided, had nothing to do with the question, but certainly had a squinting towards another, although I am not quite convert to your opinion as to the power of the Judges, I most cordially agree with you as to the Mandamus

I fear it will not be in my power, to visit you at Salisbury this summer, inclination is not wanting, and it is almost too strong to be resisted by poverty and inconvenience; besides the pleasure of seeing you and family, I could say much to you in the small way, which is too little to put in a letter, and would bear telling when it would not writing

I have written this in haste, without revising and without your letters by me, I mean this is an explanation if one should be necessary for not perhaps answering in every point, but an apoligy I hope necessary, and I will not attempt to make one———Permit me my friend to say to you, that I had rather you

would have not paid the postage of your letter, between us it seems almost too formal, I am well aware that it proceeded from great delicacy but I cannot help thinking, that you doubted whether to pay it or not, I will own to you, that I have often doubted that to do on like occasions. Write often and postage or no postage I will not scold you again, unless it be for not writing

Be pleased to offer my best respects to your family and believe me to be with sincere regard

Sir yr. most obt sert–
Nathl Macon

(Mr. Steele)

NOTES.

[1]Probably Gen. Sam'l Smith of Maryland; Colonel in the Revolutionary war; U.S. Representative in Congress, 1793-1803; and 1810–'22; Senator 1803-'15 and 1822–'33. Commanded the Maryland troops in the defence of Baltimore in 1814 and quelled the Baltimore riot of 1835.

Mr. Macon was usually accurate. This "always" is evidently an exaggeration.

Steele to Macon.

Salisbury Sept 12th 1803

Dear Sir

Accept my thanks for your favor of the 7th ulto. It came to hand when I was a good deal occupied with workmen in superintending some necessaryalterations of the inside parts of my house which could only be done during the season when chimnies are not in use. This is my apology for not acknowledging it sooner.

It is natural that you shd. feel a little curiosity to know the fate of my essay in Toast making. I will endeavor to gratify it. On Friday evening preceding the 4th of July a very heavy rain fell at Lethe my river plantation where I had a considerable qunty. of wheat cut & in the field exposed to injury. This obliged me to go there instead of meeting the committee on Saturday morning the time appointed. I

however apologized for my absence by a note, and transmitted for their consideration the sketch which you have seen and which I am happy to find meets your approbation. The members of the Committee all attended except myself, chose Judge Macay [1] for their Chairman, proceeded to business. Of the seventeen which I submitted they adopted six without alteration. These were the 1st. The day &ca. 6th. Foreign nations in amity &ca. with a quotation from Mr. Jeffersons inaugeration speech 11th. The militia &ca. A nation armed &ca. 14th The Press &ca. 16th. The fair sex &ca. 17th. The State of Ohio &ca. Others they adopted in part but with alterations which can hardly be called improvements. The 2nd. 7th. 13th. 15th. they rejected altogether. To the 3rd. *The Fed. constitution* they annexed a sentiment incorrect in principle and in language. It was this. The paladium of our rights, let it never be violated. (The paladium of Troy from whence the term descended was in the sense of the Trogans incapable of violation.) The true paladium of our rights consists in our sense of their nature and value; in our virtue to chuse proper persons to represent us, and last of all in our swords. It is absurd to say that our rights are dependent on the Fed. constitution. We were free before it existed as now, perhaps not quite so tranquil. Instead of the 4th they substituted the memory of Genl. W. In favor of this alteration I understood it was urged by [3] Mr. H. that to connect with that name, any other name or description of characters wd. derogate from the respect due to it, as if he could have accomplished any thing without the cooperation of others Instead of the 5th They adopted simply "the President of the U. S." without even using the name of Mr. Jefferson. From the 8th They expurged the words [4] *Governor and* and adopted the remainder which was in substance the same but like the 5th not quite so respectful to the chief magistrate. Instead of the 9th & 12th some general, commonplace sentiments in favor of learning & commerce were adopted. Of the 10th the adopted the first part, *The absence of party spirit* and rejected what followed. (I regret that it was the fate of some of the best to be totally lost, or so mutilated as not to be worth

publication). The 14th might be improved by the alteration which you suggest and I sincerely wish that good men would qnite to correct the evil upon your plan which appears to be the only practicable way. The greater part of the committee I understand were but Mr. H. from whom the opposition chiefly came was strenuous to retain some of those which were rejected; and they compromised for the sake of unanimity, and as a compliment to other members who also had been at the trouble to prepare sketches for the consideration of the committee. They complimented me by the adoption of more than my proportion, and probably if I had been present a few more wd. have been recd. and perhaps fewer alterations made.

I have seen the charge of Judge Chase[4] as published in the Nat. Intelligencer. It is extra Judicial and in humble opinion extremely indecorous; but if there were no other objections to it, on the score of principle it wd. be indefensible. Men in high public stations shd. be careful to guard agt. the influence of their passions always apt to mislead the understanding, if not corrupt the heart. The opinions of some of the Judges[5] on other subjects are so inaccurate and preposterous that I am not surprised at this, my only wish is that friend Moore[7] may prove as I am sure he will like pure gold, the more bright for being tried in such a crucible. Mr. Patterson[7] I consider also a man of sterling integrity; of some of the others you have long known my deliberate opinions. It is useless to repeat them.

The purchase of Louisiana is certainly a great affair. It will give lustre to to the administration which achieved it. Future Historians will rank it, (like the declaration of Independence the treaty of peace, the adoption of the Fedl. constitution) among the memorable events of our country, and shd. we also obtain the Floridas the acquisition will be as important in its consequences as any of them. The sum[8] to be given is large, but not too much. To have taken possession of the fortifications and other establishments necessary to retain it by force wd. have required much more. To think correctly on the expense of military enterprises we shd. call to our rec-

ollection the experience we have had in erecting fortifications on the sea coast, in the Pittsburg' & No Hampton expeditions, in prosecuting Indian wars, to say nothing of the delays and disgrace which have attended them. It is no disparagement to the pacific plan of the President that our Envoy arrived at a fortunate crisis. It is always the part of a statesman as it is of a Genl. to watch events and to profit by them; but even there it is ascribable wholly to accident, as it is the way of the world to make a man responsible for his bad, they shd. also give him credit for his good fortune. A few days ago I was imperceptibly led into a warm dispute with a Federalist an acquaintance of yours on the question whether the British Govt. wd. not be justified in taking possession of New-orleans at any time before the ratification of the treaty by our senate. A good deal was said on both sides, but I endeavoured to conclude the argument by placing it on this simple footing.....Were the French competent to sell? Yes. Were we competent to purchase. Yes. A fair sale and a purchase being made by competent parties, on the 30th of April a time too of general peace, any attempt by the British Govt. to prevent the execution of the contract by taking forcible possession of the place purchased wd. be an aggression which wd. justify war on the part of the U. S. He maintained however to the last that a treaty is of no validity until ratified, and as we are not bound to pay until the ratification we could not be injured by an event which wd. afford sufft. reason to refuse both. This was departing from the question, because shd. such an occurrence take place, we wd. nevertheless be at liberty to ratify and withhold payment until possession, which the french Govt. could not think unreasonable, or perhaps under such circumstances that Govt. might authorize the application of the purchase money towards dispossessing the Intruder. This wd. be a subject for subsequent negotiation, and not necessarily connected with the ratification. Another reason has been stated here which I have since seen hinted at in some of the papers to justify the British Govt. in such an interference, that the privileges secured to F and Spanish Vessels excusively of all others are contrary to the stipulation

of the Treaty of London which guarantees to the subjects of Great Britain in our ports the priviliges of the most favored nation. Without contending that the stipulation in favor of F. & Sp. bottoms is not a favor granted but a consideration of the cession, or rather a reservation of certain rights for a limited period by a nation possessing at the time and about to yield a complete sovereignty, it may be replied that the treaty of London contains a provision in favor of british vessels of Canada in the No. Wt. ports of the U. S. exactly similar where the reason did not apply with near so much force as in the present case. See the article. A favor which we did not grant to F. V. in any of our ports nor even to B. V. except in the No. W. ports; this altho objected among ourselves as an unconstitutional provision was never I believe complained of by France; having no existing rights she could not reasonably object to an arrangement which deprived her of none and had for its object only the local accomodation of another, then with respect to those ports, like Britain now with respect to the ports within the Mississippi, A nation about to cede has a right to make its conditions, and there is certainly a clear distinction between a territory received under such conditions, and favors granted in the ordinary course of commercial arrangement. G. Britain having no actual participation in the trade of the Mississippi before could not I think have complained even if the treaty of cession had obliged us to exclude her vessels altogether but this would have been a departure from our system of policy which I hope always will continue to be "*liberal commerce with all nations, entangling alliances with none.*" There is however one stipulation in this treaty which I sincerely lament, because I am sure it will increase the difficulties of the Secy. of the Treasy. I mean the payment of the interest (of the stock to be created) in Europe. I suppose it must have been either insisted on by the F. Govt. or perhaps inadvertently agreed to by Mr. Livingston. It is for other reasons, beside the difficulties of remitting, an unfortunate part of the contract.

The foregoing is the copy of Gen. Steele,s letter retained by him. We have not the original.

Drafts respectfully submitted to the consideration of the committee appointed to prepare them for the 4th July 1803.

1st. The day.—Perpetuity to the principle of the revolution which it commemorates.—

2nd. The United States.—Common interest their best cement.—

3rd. The Federal constitution.—A good form of Government prepared for us by wise men in the spirit of mutual concession.—

4th. Our late illustrious fellow citizen George Washington and the long list of Statesmen and Heroes who cooperated with him in the establishment of American independence.—

5th. Thomas Jefferson President of the United States, and the Majorities of both houses of Congress.—Let the reflectión that they are invested with powers delegated by the whole people inspire them with sentiments of justice and moderation and their political opponents with those of acquiescence and respect.—

6th. Foreign nations in amity with the United States. —Liberal commerce with all, entangling alliance with none.—

7th. The people of North Carolina.—Happy under a form of Government in theory simple, in practice safe and economical.—

8th. The Governor and Constituted authorities of North Carolina.—

9th. Our University and other institutions for the instruction of youth. It shd. never be forgotten that knowledge and virtue are the best preservatives of civil liberty.—

10th. The absence of party spirit.—Wherefore shd. it exist? "We are all republicans and all Federalists."

11th. (Public arsenals in proper situation adequate to the complete equipment of) The Militia.—A nation armed united and free is invincible.

12th. Agriculture, commerce, and manufactures.—Extension, and security to them all, they are the great sources of american prosperity.

13th. Public credit and the public debt.—An honorable performance of our legal engagements will

increase the one by the regular and speedy extinction of the other.

14th. The Press.—Let us learn to distinguish between its freedom and licentiouness.—

15th. Our rights on the Mississippi. Should diplomatic means fail Government may safely trust the final issue to god, and the energies of a people who will neither do nor suffer injustice.—

19th. The fair sex.—Without participation in public affairs their dominion is in the hearts of their countrymen.

17th. Our Sister State Ohio.—[The day is not distant when her importance to the Union (as a frontier) will be known and appreciated]—Young in years but growing fast into importance.

NOTES.

[1] Spruce McCoy, a Judge of the Superior Courts of Law and Equity in North Carolina 1790 to 1808.

[2] Archibald Henderson, son of Richard Henderson, who was a Judge prior to the Revolution. and brother of Chief Justice Leonard Henderson. He was the leader of the bar of Rowan, and Representative in Congress 1799 to 1803; a Federalist.

[3] The Governor thus "scratched" was a Republican, James Turner, of Warren county. He was elected thrice, 1802–'05. At the close of his term as Governor, he was chosen to be United States Senator and served until 1816. Further notice of him is given elsewhere.

[4] Samuel Chase, of Maryland, Judge of the Supreme Court of United States, 1796-1813. His charge to the Grand Jury of Baltimore, May 2nd, 1803, was extremely obnoxious to the Republicans. He declared that the repeal by Congress of the law for the election of sixteen circuit judges, the establishment of universal suffrage in Maryland and further alteration in the state judiciary contemplated, will take away all security for property and personal liberty. "The independence of the national judiciary was already shaken to its foundation. Our constitution will be a mobocracy, the worst of all possible governments," and more to the same effect.

The impeachment against Judge Chase alleged injustice, partiality and intemperate conduct and language. There were eight articles. The first alleged misconduct in the trial of Fries, the next five similar outrageous conduct in the trial of Callender for libel; the seventh charged wrong-doing in refusing to dismiss the grand jury until they should indict a printer for treason, and Article VIII. characterized the charge to the grand jury at Baltimore as a prostitution of the judiciary to low partisan purposes, with intent to arouse hatred against the government of Maryland and of the United States.

Twenty three votes for conviction were necessary, as it takes two-thirds to convict. On the first article only 16 out of 34 voted guilty; on the second only 10; on the third 18; on the fourth, not one; on the fifth only 6; on the sixth 10; on the seventh 10; on the eighth 19.

Samuel Chase was a signer of the Declaration of Independence, an ardent and useful patriot, an extreme Federalist, an able lawyer, but of overbearing disposition.

[5] The other Judges were besides Chief Justice Marshall, 1801–'35, William Cushing, of Massachusetts, 1789–1815, William Paterson (so spelled), of New Jersey, 1793–1806, Alfred Moore, of North Carolina, 1799–1804.

[6] Alfred Moore had been a Captain in the Revolution, and Attorney General and Judge of North Carolina.

[7] Wm. Paterson, had been member of the Continental Congress and U. S. Senator. In the Convention of 1787 he was author of the "New Jersey Plan," which guarded the sovereignty of the States.

[8] The price was $11,250,000 in United States stock payable in fifteen years, and also $3,350,000 due by the French government for depredations on our commerce; in all $15,000,000. The purchase was supposed to contain over a million square miles, that is, over 640,000,000 acres, about twenty three cents an acre. The white inhabitants were about 50,000 of French and Spanish birth and 40,000 slaves. The treaty was

negotiated with Napoleon by Robert R. Livingston, but Monroe, being sent by Jefferson specially for the purpose, joined with him in completing the negotiation.

[9] Mr. Steele probably refers to the expenses of suppressing the Whiskey Insurrection in Pennsylvania and Shay's Rebellion in Massachusetts.

Macon to Steele.

Washington 27 Novr. 1803

Sir,

I write to you now, not because I have anything worth writing, but because I hope it will be the means of inducing you to give me the news of Salisbury, This place affords nothing new, which you will not find in every news paper; The vote to repeal the Bankrupt act,[1] was not a party one, & the few who opposed the repeal, were not, one excepted, in favor of the principle, but wished it amended and to expire by its own limitation

It is believed, that it will be known here, in 15 or 20 days, either that the U. S. are in possession of New Orleans; or that the Spanish Government[2] there will not deliver it to the U. S, no fact is yet known here to induce a belief, that it will not be surrendered; every thing tranquil at New Orleans as late as 11-instant, no act at that day done, which indicated the least hostile intention

I cannot think of any thing else to write, and were I to see you it is possible, a thousand small affairs might come to my recollection which might serve to excite laughter

I am with great respect

Sir Yr. most obt sert

Nathl Macon

(General Steele
Salisbury
No Carolina)

NOTES.

[1] Passed April 8, 1800. Repealed October, 1803. It was thought to be "prolific of fraud, wastefulness and a wild

spirit of speculation." The vote for repeal in the House was 99 to 13.

[1] In 1682, LaSalle took possession of the territory and named it after Louis XIV. Bienville founded New Orleans in 1706. In 1762, France ceded the territory to Spain. In 1800, Spain retroceded it to France. In May 1803, France sold it to the United States. December 20, 1803, Laussat, Commissioner of France, formally surrendered it to Wm. C. C. Clairborne and James Wilkinson, Commissioners of the United States. A body of militia of Ohio, Kentucky and Tennessee, was held in readiness, and a small force of Tennesseeans was moved to Natchez, in order to quell any resistance on the part of the inhabitants, but none was offered. The province was at once divided into two territories, that of Orleans, and that of Louisiana. Wm. C. C. Claiborne was the first Governor of Orleans, in 1812 the State of Louisiana.

The Spanish Government, through the Marquis de Casa Yrujo, strongly protested against the right of France to alienate the territory, alleging that there was an agreement not to do so, and, secondly, that the sale to France by Spain was not binding, because the contract of the former in regard to Tuscany, which was the moving consideration, had not been carried out.

Macon to Steele.

Washington 11 Decr 1803

Sir

Your letter[1] of the 25 ultimo has been duly received, aud the remarks therein made ought to satisfy every one on the subject; but it is no easy thing, to satisfy those who make improper and unjust demands and expect to support their claims, not by the law, but by an evasion of it, and not by an evasion, which justice could warrant

The letter therein referred to, has been received, and an answer was left at home to be sent to Warrenton to be put in the mail for you; I suppose it is

still at home, and must remain there at least till my return

By the papers you will see, that hitherto we have had nothing like a storm in Congress; it is however true, that we have had a brisk gale or two, but of short duration;

I do not expect, that any subject will be before the house, which will produce the general sort of debate, which you have sometimes witnessed, and which never added much to the reputation of the speakers or to the character of the Nation

The forming a Government for Louisiana will probably be the most difficult part of the present session I say this, because I have heard several plans spoken of, neither of which would I believe be adopted

I have sent this scrawl in some haste,

I am Sir
most sincerely
Nathl Macon

(Genl- Steele
Salisbury
No Carolina)

NOTE.

[1] We have not this letter. The claim from Rhode Island, elsewhere explained, is probably alluded to. Mr. Steele when Comptroller rejected it.

Macon to Steele.

Washington 12 Feby 1804

Sir

I have duly received yours of the 19 ultimo, and sincerely wish it was in my power to communicate to you, all the wishes and intentions of every Department of the Government, It is I think quite probable that no one knows less of them than I do, my situation in the House keeps me almost constantly confined, and I am generally so tired of politics by the evening, that I had rather hear of anything else, besides a hurt which I received on my way to this

place, has kept me much at home, so much so, that I have not been able to make such enquiries as I have heretofore done

On the subject of the lands[1] claimed by citizens of N. C. and others lying within the Indian border line, and within the limits of Tennessee, I know not what to say; Those who ought to urge a decision of the house on that point, seem always to be otherwise engaged; I shall most certainly use every effort in my power to have a decision, but it is one of those questions that I have so often supported, that I cannot now think of any thing new on the subject, and most cordially hate to repeat old speeches, even to new members. I have however a hope, that both the N. C. & Tennesseee members will perfectly understand the question, and treat it in such a manner as to make others completely comprehend it. I have indirectly heard, but I do not now recollect in what way scarcely or from whom, that the President was very desirous to get the Indians especially those to the South to remove themselves over the Mississippi

The British Minister[2] has kicked up a little dust about his & his wife's rank, such as going first out of the sitting to the dining room; having number one given to his wife at the dancing assembly, and this prank of the Briton, has acted as a spur to the Spaniard, and the Marquis the[3] Casa Yrujo has also taken it into his head to shew a trick or two about this new fangled doctrine of rank, where the people nor their form of government acknowledge any; However I suspect both the claims, although not for money, will meet, the same fate, which claims so often meet from the Committee of claims, that is, leave to withdraw

There is at this moment a great deal of business before Congress, though none of much consequence, except forming a plan of government for Louisiana, and carrying the revenue laws of the U. S. into operation in that Country; The quantity of business seems necessarily to put an adjournment a good way off, but the quality of it, is much against a distant day; yet it is impossible to form any tolerable correct opinion when an adjournment will take place

Accept my best wishes, and believe me to be very truly

Sir Yrs. Sincerely
Nathl Macon

(General Steele
Salisbury
No Carolina)

NOTES.

[1] By Acts of the General Assembly of North Carolina of 1782, 1783 and 1784, the warrants for lands granted to the officers and soldiers of the Continental line of that state were to be located in what was called the Military Reservation, in the western part of what is now Tennessee. In December 1789, North Carolina passed the Act of Cession of Tennessee to the United States which was approved by Congress, April 2nd, 1790. In this Act the rights of the officers and soldiers were protected. In 1796, Tennessee was admitted into the Union but the unappropriated lands were not ceded to her. Tennessee claimed that North Carolina's rights expired in 1792 because the time of the claims was originally limited to that date and the latter state had not reserved the power of extension of the time. In 1799, Tennessee asserted by resolution her ownership as sovereign of all unlocated lands within her limits. In 1801, she confirmed all prior entries under grants, and prohibited by heavy penalties any further action by North Carolina surveyors and entry takers. In 1803, she appointed Judge John Overton to adjust the difficulties with North Carolina, which resulted in giving the latter the right to issue the military warrants.

In 1806, Congress in a spirit of liberality ceded to Tennessee, the title of the United States, reserving the claims of North Carolina under the Act of Cession, and certain Indian titles. The part not ceded was about one-third of the state, and was west and south of the line known as the Military Reservation line.

The Indian titles thus reserved were those of the Chicka-

saw Indians under the Piomingo Treaty of 1786. By treaties in 1805, 1816 and 1818 the Indians agreed to sell their rights and move beyond the Mississippi. After satisfying all claimants, between two and three million of acres remained, which in 1846 were donated to Tennessee by Congress. The proceeds of the sale of one-third of such military land warrants as escheated to North Carolina formed the endowment of her State University prior to the Civil War, the other two-thirds being taken by Tennessee for her own colleges.

[2] Jefferson adopted the rule of "pell-mell" for his dinings, i.e. that there should be no precedence, no grades among foreign ministers. "All are perfectly equal, whether foreign or domestic, titled or untitled, in or out of office." Anthony Merry, the British minister, arrived at Washington in the fall of 1803. He and his wife were invited to a reception on December 2nd, and contrary to usage, (France and England being at war) the President urged with success, M. Pichon, the French chargé, also to attend. When dinner was announced the President escorted Mrs. Madison and placed her on his right. Madame Yrujo, the wife of the Spanish minister, was placed on his left. Mr. Merry, without being assigned to any seat, started to sit next to Madame Yrujo, but was crowded out by a member of the House of Representatives. M. Yrujo wrote home that Merry and his wife had reason to resent the, apparently studied, preference given to himself and wife over Mr. and Mrs. Merry.

Soon after at Madison's reception the host took to the table the wife of the Secretary of the Treasury, Gallatin, and in the confusion on account of this unexpected conduct, Mrs. Merry was left alone, until her husband walked up and offered her his hand. M. Pichon wrote that in his opinion the Secretary of State wished "Mr. Merry to feel more keenly the scandal he had made." The scandal consisted in Merry's assertion that his treatment by Jefferson was intended as an insult to the nation he represented.

Mrs. Merry, whom Jefferson in a private letter calls a vir-

ago, was indignant at her treatment. She was joined by Madame Yrujo and a tempest was stirred up in the tea pot of Washington society. An explanation of the American usage of equality was made, but it was not successful in producing peace among the ladies. Jefferson praises Merry but adds "if his wife perseveres she must eat her soup at home, and we shall endeavor to draw him into society as if she did not exist."

Jefferson's disregard of etiquette was approved by his party, but was contemptuously denounced by the Federalists.

Comptroller Duval to Macon.

Comptroller's office F 16. 1804

Dear Sir

Having been informed, that you have received a letter from Mr. Steele relative to the 'Rhode Island petitions, which have been referred to me by the house of Representatives, & presuming that it may throw light on the subject, I have to request the favor of a perusal of it, unless it contains matter of a private nature, or unless there may be any other matter which may forbid a compliance with my request

I have the honor to be
with great respect & esteem
Your obet. sert-
(signed) G Duval

directed to me
NM

Macon to Comptroller Duval.

Washington 17 Feby 1804

Sir

Agreeable to the request contained in yours yesterday, I herewith enclose you the letter of my friend Mr. Steele; It may not be improper to state to you, that this letter is an answer to one from me to him, & that it was thought due to him to transmit with my letter the statement which was presented to each

member of the House of Representatives on the claims referred to in his letter

I am with great respect
Sir Yr. most obt. sert–
(signed) Nathl Macon

directed to the Comptroller of the Treasury—with the following—N. B. after reading please to return the letter

Macon to Steele.

Washington 26 Feby 1804

Sir

Herewith you will receive the copy of two notes; If I erred in letting the present Comptroller read your letter, you will pardon it I am sure, either Mr. Gallatin or some member of the house to whom I communicated the contents or permitted to read it, must have informed him of it, I confess to you my anxiety on the subject of the Rhode Island petitions, would not permit me to delay sending your letter as requested; On the committee of commerce & manufactures it certainly had an effect, because they had before the reception of it reported in favor of some of them, I believe the securities; afterwards it recommitted to the same Committee, because it was stated, there was more testimony to be laid before the committee, and after retaining them a considerable time, The Committee asked to be discharged, & to have the petitions referred to the Comptroller, both motions obtained,

I have not heard, whether the comptroller has decided on them, The reference to the Comptroller, is rather a new proceeding in Congress, The general practice having been, not to refer subjects on which a Committee had acted to any department

The Supreme Court I understand have decided in favor of the sugar refiners, This question was brought before the Court by an appeal, from a circuit court, which decided against the refiners

I know of nothing else either legislative, executive, or Judical worth telling, nor even the substance of

the testimony which has been collected against Judge Chase.

I am Sir truly yrs
Nathal Macon

(Genl- John Steele
Salisbury
No Carolina)

NOTE.

[1] By the courtesy of Hon. R. J. Tracewell, the present Comptroller, I learn that there were conflicting claims to the bounty offered for a four months fishing cruise by owner, master and crew of the schooner, employed. Congress ultimately paid the bounty to the owner or his agent.

Macon to Steele.

Washington 25 March 1804

Sir

Late last evening I had the pleasure to receive yours of the 15- instant, and acknowledge it early this morning, lest the book of accounts should prevent my doing after breakfast

Every thing this two days past has been hurry, but yesterday the H. of R. cleared the table of every order of the day, on which it is expected it will act in the present session; some bills of real importance are yet before the Senate, and tomorrow is the day fixed for adjourning; The loss of the Philadelphia, and the effects it may produce on Tripoli in particular and the Barbary powers in general are not easily to be calculated, but the situation of the unfortunate captives is readily felt

I am very sincerely your friend
Nathl Macon

(Genl Steele
Salisbury
No Carolina)

NOTES.

[1] Bainbridge commanded the Philadelphia a 38 gun frigate,

in the war with Tripoli. On October 21, 1803 he chased an enemy cruiser into shoal water and, while hauling off, struck a reef. The Tripolitan gunboats captured his vessel and succeeded in floating her under the guns of the castle. Lieutenant Stephen Decatur was detailed by Commodore Preble to take seventy five men in a captured Tripolitan vessel to destroy her. On the night of February 16th 1804 he ran into the harbor, boarded the Philadelphia, threw her crew overboard, burned her to the water's edge and escaped without the loss of a man.

A Treaty of Peace was made June 4th, 1805 by which Tripoli agreed to cease depredations on our commerce, and on payment of $60,000. to release all American captives.

Steele to Macon

Salisbury June 7th 1804

The want of something, My friend, which wd. be worth postage has delayed until now the pleasure I shd. otherwise have had of acknowledging sooner the receipt of a letter which you did me the favor to write to me about the close of the late session of Congress. It contained, if I remember rightly, the first intimation I received of the capture of the Frigate Philadelphia, and perceiving lately that though lost to us she is also by the gallant conduct of Capt Decatur lost to our inhuman enemies, the same occasion will serve to convey to you my condolence and my congratulation for these two events. This mode of balancing the account is the more agreeable to me too, as I am not in the habit of indulging myself in complaints about public or private misfortunes All nations and all men are liable to them, and when they happen "a wise man has nothing to do but to sit down and digest them." I sincerely hope however, that our brave Tars will not remain long in captivity, and that they will find a suitable remuneration for their sufferings in the gratitude of their country

You were kind enough last winter to give me some information concerning the 'Rhode Island pamphlet

but I have not yet learned the final issue of that application to the Government. The courts gave judgment according to my construction—the Treasy. authorized stay of execution that application might be made to the Legislature for relief as no other power of the Government appeared competent to afford it Congress declined interference, discharged the committe and transmitted the cases for further order to the Comptr. Here your last letter left the affair which on the part of Congress seemed equivalent to a direction *to let the executions issue.* Was this the impression at the time, or had the Treasy. adopted any more opinion concerning the law or the merits of the cases?

I wish you would also inform me whether the ex-Justices [2] of the District of Columbia have revived their application for a mandamus agt. the Secty. of State; and what appeared to be the opinion of the most sensible and dispassionate men in Congress as to *the Judicial management of that subject* The motion you know for a rule was dismissed but the Chief Justice in assigning the reasons of the court not only admitted the right of the applicants to redress but pointed out (in terms sufficiently explicit to be understood) the mode of obtaining it.

A [3] question of vast magnitude to the whole state of North Carolina and especially to the inhabitants of what is called Lord Granville's part of it is to be decided by the same gentleman at the ensuing Federal court at Raleigh. It is not possible that as individuals we are in any danger of losing, or of even being disturbed in the possession of our estates by the decision:—but nevertheless as a public question it is entitled to attention and as citizens of a community so deeply implicated both in its political character and its pecuniary interests, it is natural that we shd. feel an unusual degree of solicitude. The payment of quit rents alone (even since the Treaty of peace) unconnected with any question concerning the right of soil wd. produce very great embarassments:—a decision of both agt. us would be attended with the most serious consequences. I think I have heard some years ago, that a similar [4] question was decided in the courts of Virginia in relation

to the title and claims of one of the Proprietors there perhaps Lord Fairfax, and that our presiding Judge first as Counsel on the part of Lord F. and afterwards in virtue of a *joint interest* was concerned and had the principal management of the cause, I am not sufficiently informed to say whether there is any anlaogy in the cases, and if there be, whether the decisions in Virginia were of a nature to increase or diminish our apprehensions. It is probable your neighbor [5] Judge Hall understands this subject fully. Perhaps it has been considered at the seat of Govt. Be so good as to favor me with your ideas, and information upon it.—

I have lately seen, and not till lately the pamphlet of Aristides, [6] in vindication of Mr. Burr. It indicates a degree of rancorous irritation among men in the State of New York of which I had supposed the american character was not yet susceptible. It is indeed to be lamented, that instead of union and affection we shd. discover in any part of our country such evident symptoms of deep rooted animosity and distraction. Contemplating scenes of civil discord the great and good Jos. Addison might well exclaim "Gods what havock doth ambition make among your works."

Yours sincerely, Adieu

Jno. Steele

Nathaniel Macon Esqr.

Let me know if you please to what part of the country Mr. Orr has removed from the City of Washington. I wish to write to him but do not know by what mail.

J.S.

Civilians are not better agreed on any point in the whole science of Govt. than that party spirit is the evil genius of republicks and that the dangers to be apprehended from its excess are in exact proportion to the degree of freedom enjoyed within, and the remoteness of hostility from without. This consideration alone shd. induce virtuons men in high public stations who derive thence an increased portion of influence in society to endeavor not vainly to deprecate its existence, for in the nature of free govern-

ments it cannot be prevented; but by the inculcation of wise, just, and patrictic maxims of administrations to moderate its effects, which is all that is attainable or perhaps even desirable. A cooling regimen is best calculated to preserve unimpaired the health and vigor of the american body politic, and to give proper employment and direction to its intellectual powers. With respect to the Southern States I am sure this treatment is necessary and would prove salutary. Those who recommend a difft. course are weak passionate or ambitious men; some of them sincere perhaps in their opinions, but certainly not profoundly skilled in the leading principles of civil society, the nature of man, and the conflicting interests of our country geographically considered.

NOTES.

[1] See note to letter of 26 February, 1804.

[2] The Supreme Court, in Marbury vs Madison, held that while it had not original jurisdiction it did have appellate jurisdiction. Marbury however did not bring suit in the lower court, probably because he had only a five year term, and so much time would elapse before he could get a dceree, the gain would not justify the expense.

[3] Earl Granville alone of the Lords Proprietors refused to surrender his one eighth title to Carolina. His share was allotted to him in severalty in 1774, being the land between the Virginia line and 34° 36′ N. He sold many tracts reserving quit-rents. The test suit brought by his heirs against Wm. R. Davie and Josiah Collins was tried in Raleigh before the circuit court of the United States, Judge Henry Potter presiding. Chief Justice Marshal declined sitting because of his connection with similar claims before going on the bench. The jury decided against the plaintiffs and they appealed to the Supreme Court of the United States. The appeal was not prosecuted. Great Britian had accepted three millions of dollars in discharge of debts due her subjects, but the states, being only recommended to restore confiscated lands, never

complied. Wm. Gaston was leading counsel for the Granville heirs and Duncan Cameron for the defence.

[4] See note to next letter.

[6] The pamphlet of "Aristides" was in behalf of Burr, a vicious attack on his opponents, the Clintons, Livingston, Hamilton and others. The author was William Peter Van Ness.

[5] Judge John Hall afterwards Supreme Court Judge of North Carolina.

Macon to Steele.

Rock Spring 2 July 1804

Sir

I yesterday had the pleasure to receive yours of the 22 ultimo; and sincerely regret that it is not in my power, to give such an answer to your enquiry concerning the fate of the Rhode Island petition as would please myself, before leaving Washington and after I had finished my business with the Treasury & bank, I called at the Comptrollers office with no other view, than to ascertain, whether he had finally determined the case, and to enquire what that determination was, provided he had made one; He was not in the Treasury department at the time: I however understood, though not officially that he had decided in favor of the prayer of the petition; on what ground the opinion was formed I do not understand; The decision made by you, would I am sure have been confirmed by the H. of R. and I entertain no doubt but there were some, who voted for the reference, under the belief that the decision would be confirmed by the present officer, without perhaps reflecting much on the nature of the reference, This opinion is in some measure entertained, because the vote to refer was taken without debate, and I know that there were members, who are in the habit of speaking who approved of your decision; I also understood, that the present officer was exceedingly sorry that it was referred

I have not heard any thing of Medeterranian affairs more than you have seen in the papers, Though

I believe the P-would willingly be at peace with them as well as the rest of the world; provided peace would be had on fair & honest principles; This opinion is formed only on the general conduct of the man

The case of the heirs of Lord Granville is not now talked much of, with us, it is generally said he will not recover; and most, if not all seem satisfied with the opinion; I have not heard the opinion of any Lawyer or Judge. It was made an objection to the treaty negotiated by Mr. Jay, that it would at least induce the heirs to put up a claim and Mr. Tracey[1] of Connecticut, then in the house examined the question, and declared detidedly that the heirs could never recover one foot

The Fairfax claim[2] was purchased (as I have understood, or rather as well as I now recollect, what I formerly heard,) about the time of the treaty, suits were brought, Mr. Marshall was a partner in the purchase, his brother James made the contract with the English claimant, whether Mr. M. appeared as counsel for the plaintiff I do not recollect, but he certainly was in fact, the leading counsel, whether he appeared at the bar or not; The State of Virginia and the purchasers of Fairfax at last compromised but I do not know on what principle the compromise took place

Patience will bring everythlng right in a free country, and if contrary to my expectations the claim is supported, we must exercise the same patience, which we have done, on other great questions, The assembly I hope will not touch or meddle with the subject at their next meeting

Permit me to assure you, that the sentiments of respect which you have expressed are & always have been reciprocated by

yrs sincerely
Nathl Macon

(Genl. John Steele
Salisbury
No Carolina)

NOTES.

[1] Uriah Tracy, Senator from Connecticut; a lawyer; member

of House of Representatives 1793 to 1796 and of the Senate 1796-1807. He contended (a)that North Carolina succeeded to Granville's, as well as the crown lands, by the Act of Independence. (b) North Carolina's claim was good by Acts of Confiscation. (c) That the treaties of 1783 and 1794 conferred right only on those who owned lands at those dates. It was reported that the Granville heirs had received £60,000 from the British treasury as compensation for their losses.

[2] Thomas, Lord Fairfax, of Greenway Court, in the Nothern Neck, between the Potomac and the Rappahannock. He owned over 5,000,000 acres of Virginia lands. He died in 1781 devising part of his estate to his nephew Denny, afterwards Lord Fairfax, a resident of England. Messrs. Marshall, Colston and Lee bought the interest of this nephew. After litigation, John Marshall, attorney, also one of the purchasers, in 1796 made a compromise with the state, which was carried into effect by an Act of the Assembly. The devisee of Lord Fairfax, and their assignees relinquished all claims to those Fairfax lands, "which were waste and unappropriated at the time of the death of the elder Lord Fairfax, and the state of Virginia relinquished all claims to lands specifically appropriated by the said Lord Fairfax to his own use, either by deed or actual survey." The act was passed "on the petition of sundry inhabitants of the counties of Hampshire, Hardy and Shenandoah."

Macon to Steele.

Washington 12 Decr. 1804

Sir

This place has during the present session been one continued calm, no political event has hitherto produced any warmth on either side, nor is there yet a motion made, which will change this happy state of affairs, but a report which must be made on the petition of those generally denominated yazoo men, will probably destroy the quiet of the session, this opinion is formed rather from former debates, than any thing that I have heard since coming here; Not-

withstanding this temperate state of the house, the intercourse between those of different politics, is not more frequent than formerly;

The city is uncommonly dull, and houses increase faster than inhabitants a few new ones are building, while some of those already built are not inhabited,

Georgetown has improved a little particularly the streets since you saw it.

It is believed by those who pretend to be best informed, that Tripoli[2] will soon be compelled to peace; if this should be the case, and the European bellegerent powers not infringe our neutral rights, we shall soon be in a situation to reduce the tax on some imported article,

This letter will convince you, that nothing but a desire to write to you, could be the cause of writing —yrs truly

Nathl Macon.

(Genl. John Steele
Salisbury
No Carolina)

NOTES.

[1] In 1795 four land companies, by bribery as was believed, obtained from the General assembly of Georgia grants for about 35,000,000 acres, about half of the territory between the Georgia line and the Mississippi river, for $500,000 or about one and a half cents per acre. In 1796 a new legislature passed an act revoking the sale, and many of the stockholders surrendered their contracts. Many, however, sold their claims to persons in New England and elsewhere who stood in the light of innocent purchasers. In Fletcher vs. Peck the Supreme Court sustained their title, the repealing act being unconstitutional. In 1802 Georgia ceded the territory west of her limits to the United States. The purchasers from the grantors of 1795 applied to Congress to perfect their titles or compensate them in money. John Randolph opposed them fiercely and succeeded in postponing action for years. In 1813 Congress compromised the matter for $5,000,000, payable out of the sales of the land in question.

It is noticeable that Randolph was defeated for this Congress by John W. Eppes. Able commissioners, Madison, Gallatin, Levi Lincoln, with James Jackson, Secretary Baldwin and Governor Milledge, had recommended a compromise.

Steele to Macon.

Salisbury Jany. 17th, 1805.

Dear Sir,

About four weeks ago I had the pleasure to receive your much esteemed favor of the 12th of December and wd. have acknowledged my obligations to you for it sooner, if an entire failure in the arrival of our Mails since that time (occasioned by uncommonly deep[1] snows) had not prevented me. Your kindness in remembering an absent friend is entitled to the best return which a sincere and grateful heart can make:—mine I trust you will always find duly sensible of your attentions and devoted to the cultivation of those friendly dispositions which in every situation, but especially in a retired one, constitute a principal share of our best enjoyments.—In private life, it is natural that a man should appretiate highly the offices of personal regard, and when these come, like yours, from one of a difft party name they win upon the heart not as friendly attentions merely but as indications of candor and liberality rising superior to the prejudices and passions of the times. To the want of a sufficient degree of this same spirit of candor and liberality is to be ascribed that distance and reserve which you inform me still continue to be kept up among the Members of Congress— This state of things, however we may unite in lamenting its existence is an evil not to be cured while both parties believe or pretend to believe, the fault to be with their opponents and not with themselves as if virtue and vice were synonomous with party distinctions— Those who in a party sense *have been Federalists* (for you must notice here as in former letters that I speak of that party as *having been*, because it was in my opinion dissolved at the conclusion of the late general[2] peace when the French revolution terminated, and our proclamation of neutrality of 1793 and the great-

er part of the measures which grew out of it had their effect) charge 1-2 of your party with maintaining the odious doctrine of a general expulsion of all who are called Federalists from office, and the other and better because less unjust and irrational half, with the toleration of those who are *in* but the rigid exclusion of all who are *out*. This last, they say, not less than the first is ,a departure from the broad and generous principle avowed in the President's inauguration speech, which is the only one that can or ought to last, and that indiscriminate exclusion for matters of opinion with reference to our disputes, is in effect not merely to "call by different names brethren of the same principle" but to treat one class of brethren worse than Aliens. Although the Federal party in the sense which I have supposed the proper one may be dissolved, the individuals continue, and nothwithstanding the submission of many of them to the will of the majority in changing the Administration, their explicit approbation of some of the acts of Government since (particularly the acquisition of Lousiana and the measures adopted for the reduction of the Funded debts) an entire cordiality in their intercourse with your party, either in or out of Congress, is not in the nature of things to be expected, while their *indiscriminate exclusion* is either openly vindicated, or tacitly adhered to as a maxim of administration. It would well become a man of your independence and influence to inculcate the injustice and narrowness of such a sentiment, and that being, though in a less violent degree than expulsion, a species of political persecution you may easily show that it cannot stand a temperate and enlightened examination. Another reason will of course occur to you, that from the tendency of elections in some of the States it must have become manifest of late to the good men of your party, that in southern sections at least they have more to apprehend from another quarter than from the Federalists, and that however complete your party triumphs may seem to be, they cannot have beneficial and permanent effects, unless you guard agt. *the arts* and *violent counsels* of your *Exclusionists*. Had Majr Franklin[3] understood this subject better, had he turned his eyes in time to the quarter whence real op-

position came, he might perhaps been continued six yrs. longer! ! ! Here my friend, let your own reflections supply the rest. What I have suggested has at least the merit of being disinterested, and proceeds from that unreserved confidence which has characterized all my intercourse with you:—an intercourse begun when opinions were free, long before political differences were sharpened into animosity, and sustained without interruption through the most virulent seasons of it.

Not having seen a newspaper for some weeks, owing to the detention of four mails I am as ignorant of what is going on at Washington since the date of your letter as the man in the Moon. These privations which only disappoint my curiosity a little are not however without their advantage, for they leave my mind more unoccupied and better fitted to pursue a course of reading which keeps me employed with the hope of becoming a more intelligent and useful member of society. In this pursuit I have moved on for two years past with greater assiduity and success than in any other equal period of my life; a good arrangement of my little estate leaving me but few cares or interruptions except such as proceed occasionally from the want of health in my family, and these visits which are only autumnal I shall endeavour to prevent after another year by a temporary residence annually at the Botetourt springs[4], or some other civilized place where I can keep my wife and children well. Twenty acres of cotton more than my overseer at Lethe is preparing to plant for the next crop will enable me to do this, and then (- my own health being already quite robust) I shall be as happy as peace of mind, and good will to all the sons of Adam can make me. Of this long, and the misanthrope would perhaps say shabby list, there is not one who would serve you with more pleasure or who is with greater sincerity and truth your friend than the one who now wishes you an happy new yr. and many of them, full of honor and uninterrupted satisfaction

Adieu ·

Jno. Steele.

Nathaniel Macon Esqr.
House of Representatives

It will require some greatness of mind on both sides to search dispassionately for the causes of this, and still more perhaps to apply a rational and well timed remedy.

There are times when passions are necessary but such are not the present. Your best Doctors and Dr. Macon among the rest, I have no doubt recommend a cooling regimen as the best means of abating that fever which has brought, and must if not checked continue to bring noisy and inferior men into places of distinction. You want, especially from the Southern States, clear headed, well informed, virtuous men:—whether your chance of obtaining them be increased or diminished by the doctrine of exclusion is a very simple question.

NOTES.

[1] A similar snow fell in North Carolina in 1857.

[2] The Treaty of Amiens, March 25th, 1802, negotiated by Lord Cornwallis and Joseph Buonaparte, concluding the war between England and France and their respective allies. The peace proved to be only a truce and was ended in 1803. General Steele's notion that the Federal party came to its end in 1802, proved to be illusory. Jefferson seemed to approve it when he said in his first message; "We have called by different names brethren of the same principle. We are all Federalists—all Republicans."

[3] Jesse Franklin, U. S. Senator 1789-1805. State Senator 1805 and 1806. U. S. Senator again 1807-'13; Governor of North Carolina 1820-'21. In 1805 he was defeated by James Turner.

[4] In the mountains of Virginia.

Macon to Steele.

Washington 19 Jany, 1805

Sir

This Session of Congress has not hitherto produced a fact, worth writing which may not be seen in every

news paper in the U. S. It is possible I may have told you this once before; The debates have generally been conducted with moderation & temper notwithstanding there has been a subject or two, which in their nature must have very much interested the feelings of many; of this kind is the present trade to St- Domingo; which is chiefly carried on by armed vessels, without authority for arming, and mostly it is believed in articles contraband of war; The armed vessels as well as their warlike cargoes are understood to be sold in the Island at very high prices; This kind of trade must I conceive produce the same sensations, in the European governments, who have colonies in the West Indies, as it will produce in the states whose population is not all of the same condition and color; The Government of France[1], which has not yielded the idea of conquering the Island, and reducing the inhabitants to the situation they were in before the revolution; may view this merchantile project, in rather a more strong light, than the other European Nations; A bill to regulate the arming of merchant vessels has passed the H. of R. and is now before the Senate, The bill is scarcely strong enough I fear, to produce the desired effect, when the great profit of the trade is considered

To restrain if possible, by law the violation of our neutrality and our neutral rights in our waters, will be a subject of some difficulty, the opinions which have been expressed on this point are various indeed, no decisive vote has yet been taken by which an opinion may be formed, as to the result,

The British Government are I am informed determined to enforce their navigation law[2], This will probably if rightly carried into execution, give some uneasiness to our Merchants & navigators, and may possibly during the present session give rise to a motion or two if nothing else; This determination will doubtless produce in the U. S. many projects to countervail, almost every politician will have a plan, and each of them will fancy his own quite certain to produce the desired effect; Whenever a step shall be taken on this ground, must be examined in the most deliberate manner; it effects may come to every man

at home, It will also produce as serious consequences to the people of Britain.

I have not heard, who the new[3] attorney general is to be; before this you have seen that Mr. Lincoln has resigned—It is reported, that there is some difficulty in getting one to accept

We have a very severe and very dull winter in the city—I am Sir yrs truly

Nathl Macon

(General John Steele
Salisbury
No Carolina)

NOTES.

[1] The eastern part of Santo Domingo under the Spaniards was not affected by the rebellion in the western part 1791-'97. In 1795 Spain ceded its rights in the island to France. In 1801 Toussaint Louverture ruled the island. In 1802 the French occupied it, but were driven out of the western part, retaining their hold in the eastern until 1809, when the English captured Santo Domingo and Samana and gave them to her ally Spain.

[2] The chief object of the navigation law at this time was to prevent Americans and other neutrals from carrying French and Spanish sugar from the West Indies to Europe.

[3] Robert Smith, of Maryland, was transferred from the Navy Department to the Attorney Generalship. After holding the office for a few months he was appointed Secretary of State. In 1811 Madison replaced him by James Monroe. He was succeeded in the office of Attorney General by John Breckinridge, grandfather of vice-President John C. Breckinridge; Senator from Kentucky 1804-'05. Caesar A. Rodney, of Delaware, was successor to Breckinridge, who died in December, 1806.

Macon to Steele.

Washington 3 March 1805

Sir

I have received your letter and owe you answer,

which I have not before given; can only now say what you know, that the session is almost at an end, and that I am truly

Yrs.
Nathl Macon

Debating a bill to add to the pension list

(Genl- John Steele
Salisbury
No Carolina)

NOTES.

Endorsed on this letter in Gen. Steele's hand writing is the following, doubtless his mode of cultivating his plantation Lethe.

1805	[1]Ch. side	50 cotton	[1]Peg H.	40 oats	[1]Barnf.	60 wheat	[1]Bottom	20 corn
1806	"	oats	"	wheat	"	cotton	"	60 corn
1807	"	wheat	"	65 cotton	"	corn	"	oats
[2]1808	"	———	"	corn	"	oats	"	wheat
1809	"	65 corn	"	65 oats	"	65 wheat	"	65 cotton
						Total, 260 acres.		

[1] Names of his different fields. We can only guess that Ch. side is Chilly side and Peg H. is Peg Hill. Barnfield and Bottom are sufficiently plain. The list is printed in order to show the rotation of crops adopted by General Steele, as well as approximately the size of his farm. As plantations in his day had a generous quantity of woodland. I conjecture that Lethe contained 800 to 1000 acres.

[2] Ch. side was "turned out," or lay fallow in 1808.

Macon to Steele.

Washington 10 Jany 1808

Sir

The letter you wrote to me on the 20 - ultimo, came to hand yesterday. The contents was immediately communicated to Mr. Turner, who, instantly answered that his agent in Carolina had informed him, that his horses were engaged for the next season, and that if they had not, he would most willingly let you have one on the usual terms; I do not know where either of

the horses mentioned by you are to stand next spring, nor do I know to whom either of them belong; Whip was last year in Georgia

Mr. Turner informed me that he expected the pedigree & performance of his horses would be published in the news papers, he has them not with him, or I would send them to you He also informed me that Magic would stand this season in your neighborhood and that he would sell one; I was this morning at Genl. Blount[2] lodgings, where the conversation turnedon horses, he had in his possession several volumes of the Sporting Magazine he turned to one, and read an account of the winners for 1806, in which Mountaineer a son of Magic won 13 times that year

It is I think quite probable that all the stallions of note, are engaged before this for the next season

I am sorry that you should make any apology for writing, your letters are always gratifing and acceptable, & I have more spare time than usual, because my health will not permit me, to be engaged so zealously in business as formerly

What is to be the result of our disputes with foreign nations God only knows; The last account from Norfolk is that Mr. Rose[3] was still on board the Frigate in which he arrived, It has been said that the necessary orders were issued for his landing before his arrival, and that they had been repeated since, I know nothing as to the truths of these facts, but give them as I have heard them; France will probably now execute her decree,[4] of the 21 Novr. -6, against G-Britian; This if done, will be felt by us and will I think add to the difficulty of settling our affairs with Great Britain and there seems to be difficulties enough already to puzzle the wisest head; France & G. Britain may be compared to a Tiger & Shark, each destroying every thing that comes in their way, their late conduct to Denmark and Portugal, without recurring to any other fact is enough to establish the propriety of the above

By the public prints you have discovered, that Congress have made very liberal appropriations[5] for fortifications and gun boats, to this liberality I have no claim; the first seems now to be almost useless in

Europe, and as to the second, we ought to have a little more experience before we adopt it as a system of defence,

I am very much & sincerely
Yrs.
Nathl Macon

Mr. Steele.

NOTES.

[1] Governor James Turner.

See letter of September 15, 1802. Note 1.

[2] Thomas Blount of North Carolina. Lieut. at Eutaw, Major General of militia. Representative in Congress 1793–'99, 1805–'09 and 1811–'12, died in Washington City, February 12, 1812. He was a younger brother of General and Senator Wm. Blount.

[3] George Rose was British minister to the United States 1807–'08 to settle the difficulty arising from the attack on the Chesapeake by the Leopard. The President had issued a proclamation, interdicting all armed vessels of Great Britain from the waters of the United States & forbidding all supplies to and intercourse with them. Vessels in distress or bearing dispatches were excepted. Mr. Rose under instructions refused to consider the question of the Chesapeake outrage unless this proclamation should be withdrawn. The President offered to withdraw it on the same day that the reparatión should be made. This was declined on the ground that the proclamation was offensive. Mr. Rose likewise objected to including the right of searching merchant vessels for British seamen. As no agreement was reached he returned to England. In 1809 the affair was settled, the act of Captain Humphrey of the Leopard was disavowed, the men taken from the Chesapeake restored and provision for the sufferers was offered. The British minister announced that he considered the non-intercourse act of the preceding session as placing France and England on the same footing and hence was willing to offer reparation.

[4] The Berlin Decree. It declared the British Isles in a state of blockade, and all British merchandise, even on neutral vessels to be lawful prize. It greatly injured the United States.

In 1793 and 1794 England prohibited trade with France. November 11th, 1807 a sweeping order was made prohibiting trade from the United States to any European country under Napoleon's power.

[5] 103 gunboats were built. Thomas Paine was employed to defend the policy of relying on them. He endeavored to show that seventy four guns on seventy four vessels would do twice as much damage as seventy four guns on one vessel, and would cost much less. The experiment was not successful.

Macon to Steele.

Washington 20 Feby 1809

Sir

I have received the letter which you wrote to me on the 29 Ultimo, our affairs are still as perplexed as ever, what course Congress may take during the session, relative to our foreign affairs is yet doubtful in my opinion

By this mail I send you a message of the President, which is a *valuable* collection of the wrongs that belligerents have inflicted on neutrals

I am much & sincerely

Yrs.

Nathl Macon

(Genl. John Steele
Salisbury
No Carolina)

Macon to Yancey.

Buck Spring ' 20 June 1820

Sir

I have received your letter of the 2 instant, and thank you for the trouble about the linnen, if you should get it, it will answer for another year, but as it is now too late for this; trouble yourself no more about it, if however you have got it, send as before requested

As I never did nor never shall shyhog,[2] I only know, what was to be seen or heard about it at the last session, much was done and more openly about the Missouri compromise than I ever witnessed before; I have no doubt, it would not have taken place, had not the administration, and the supposed leaders of those opposed to it, declared in favor of it, after Storrs'[3] motion had been rejected; which would have given two degrees more to the people of the south; The history of the transaction is too long for a letter: of the great men at Washington, Crawford[4] I think rather stands highest, though he not so high as he has done; Monroe has no opposition in Congress, nor has he much real support, it is a sort of calm, all looking beyond him; Adams has a few warm supporters, a part of them from local considerations, and others for his violent defence[5] of the attack of the Spanish forts in Florida; Calhoun stands well with the military; the manufacturers not so well as formerly, though well enough, and with those for internal improvements very high Clay stands high with the two last mentioned, what his plans are I know not, had Tomkins[6] have been elected Governor, he would no doubt have been a candidate or rather run for the Vice President, I should not be surprised, if he attends the next session of Congress

I have no desire for any place & shall attend the next session of Congress, because the Missouri question, may return on the admission of the state to the union; If Holmes[7] & Hill should be elected Senators from Maine, they will strengthen the Senate on the question, which is now believed to be strong enough for the admission, but may weaken the H. of R.

I sincerely hope you may call here on your way to Halifax, I am very desirous to see you; The last was the most disagreeable session I ever attended, though I have seen some more hot & boisterous

R. King[8] has I think lost ground, with his party; Pinkney'[9] & Smith'[10] replies to him on the Missouri bill, lessened his reputation as a statesman and public speaker, or rather his own speech done it: Remember me in right down good will to your wife &

children I should be truly glad to see them believe me your friend

Nathl Macon

(Mr. Bartlett Yancey
Caswell C. H.
No Carolina)

NOTES.

[1] Mr. Macon's Plantation home.

[2] Often used by Mr. Macon. The word is undoubtedly metaphorical, taken from "beating the woods" for shy, or runaway hogs.

[3] Henry R. Storrs, of Connecticut; settled in New York. Representative in Congress, 1817–'21 and 1823–'31. His motion was that slavery west of the Mississippi should be interdicted in the territory north of thirty eight degrees.

[4] William Harris Crawford, of Georgia. His paralytic stroke was not until the summer of 1823. He never recovered his vigor of mind and body though he long clung to the hope of being President. He was Secretary of War 1815 to 1816, and Secretary of the Treasury 1816 to 1825.

[5] The seizure by General Jackson of the posts of St. Marks and Pensacola, and the fortress of Barancas, on the ground that the Spaniards harbored hostile Indians and instigated invasions of the United States. John Quincy Adams, was Secretary of State. The House of Representatives sustained Jackson by 91 to 65. Calhoun, the Secretary of War, disapproved Jackson's course. After several years, Jackson learned this from Crawford and became hostile to Calhoun.

[6] Daniel D. Tompkins, of New York, Vice President from 1817 to his death in 1825; Governor during the war of 1812.

[7] John Holmes, Senator from Maine, 1820 to 1827, and 1829–'33.

Mark L. Hill was a Representative from Maine, 1821–'23.

John Chandler was the other Senator from Maine, 1820–'29.

Maine was admitted into the Union April 15th, 1820.

[8] Rufus King; Born in Massachusetts; Delegate to the Con-

tinental Congress, 1784–'86, and to the National Constitutional Convention, 1787; Removed to New York City, 1788; United States Senator, 1789–'96, and 1813–'25; Minister to Great Britain, 1796–1803, and again 1825–'26.

[9] William Pinkney, of Maryland. One of the Commissioners under Jay's Treaty. Minister to Great Britain, 1706–'11; Attorney General of United States, 1811–'14; Representative in Congress, 1816; Minister to the two Sicilies, then to Russia, 1816–'18; United States Senator, 1820, to his death in 1822. After his speech in reply to King, the latter shook his hand and said, "Sir, you have acquitted yourself to-day as a scholar, a statesman, and a gentleman."

[10] William Smith, of South Carolina, was Senator, 1817–'23, and 1826–'31; twice refused appointment as Justice of the Supreme Court of the United States; Removed to Alabama in 1833; was opposed to nullification.

Macon to Bartlett Yancey.[1]

Washington 29 Jany 1824

Sir

It was said of old, that one good turn deserves another; They may not be of equal value; though the desire of each may be equally friendly; The opinions of the court of Kentucky,[2] & your reasons for a new trial, have been received, for which accept my thanks: A Juryman is not allowed to be a Judge of law, but only of facts, unless in criminal prosecutions; hence it is not fit for me, even to attempt to decide between such mighty law characters; It may however be allowed to observe that in trials, of the very greatest importance; if the shadow of doubt exist in the mind of the Court a new trial ought to be granted; nay where the interest of a whole society may be at stake, it might be worthy of a Court, to grant a new trial, to convince the most interested; that his case, was not decided without a patient & vigilant investigation

The constitution of the U. S. ought to be executed, as it was explained by its friends in the state conven-

tions which adopted it; The same remark will apply to the amendments which have been made to it, to take by construction or implication more power, than was claimed by them; seems to savour of deception, nay almost of a fraud on the people; One reason for adopting it, was to get clear of paper money & to have but one currency in the nation; Unfortunately however power has been assumed to establish banks & they issue a paper currency, which is not of the same value, in the same state; Credit is the effect of property or good character; unless the morals be perfectly sure, it often shakes both; negotiable paper of all sorts; results from Credit & that from want of money, which is rendered more scarce by the use of credit; which was intended to supply the want; Every kind of negotiable paper adds to the evil & increases the tendency to render money more Scarce

I fear these observations are too old fashioned for you, though they were once, in good repute with the old republicans: as they are out of fashion, they are only intended for your own eyes, & not for those of any other person; That happiness & prosperity may attend you, & all that are near and dear is the sincere wish of

yr. friend
Nathl Macon

Add that the currency of banks is alien, in states which did not establish them, & that all debtors are liable for hard money: Indeed the branch banks of the U. S. are almost alien to each other & to the mother bank

NM

NOTES.

[1] Bartlett Yancey was a lawyer, and one of the most influential men of his day in North Carolina. He was a Representative in Congress, 1813–'17; Speaker of the State Senate, 1817–'28. He declined the mission to Peru, tendered by Adams.

[2] Mr. Macon probably speaks of Briscoe vs. Bank of Kentucky, 11 Peters, 257, which decided that the bills of a bank

chartered by a state are not "bills of credit," which are prohibited by the constitution, even though the state is sole stock holder and agrees to pay the bills in case of failure by the bank.

Macon to Yancey.

Washington 7 Feby 1824

Sir

If you are not at home, when this letter gets to Caswell-C-H-; It may stay in the office; or Mrs. Yancey may take it, open it & read it, & then keep it for you

It was written to a much esteemed friend, who before it was sent, came here, & as I hate to write for or to no body it is transmitted to you, not that I think it any great thing, but that I had rather you had it than to burn it, which you may do

Gales & Seaton's [1] paper yesterday announced the ante caucus [2] determination, & the invitation to one; Crawford [3] is much mended since my last, & told me last night, that he was mending fast in every respect

It is reported that the friends of Clay & Calhoun continue to be the most industrious; & that Clay exerts himself very much; I have been told that all unite against Crawford, & against a caucus; He however I am almost certain has more than 80 friends in Congress, perhaps near one 100—God bless you & yours

Nathl Macon

(Mr. Bartlett Yancey
Caswell C-H-
No Carolina)

NOTES.

[1] Joseph Gales and William W. Seaton. Their paper was the National Intelligencer, 1807–'60. They also published the Annals of Congress, in forty two volumes.

[2] Mr. Macon means the anti-caucus call. His prediction was not verified. Only 66 out of 261 members of Congress

attended. Crawford and Gallatin were nominated. This last Congressional Caucus was held February 14th, 1824.

[3] Crawford had a stroke like paralysis before this and it was used against his candidacy.

Macon to Yancey.

Washington 24 Feby 1824

Sir

It is now believed here, & some say known, that Calhoun [1] has withdrawn from the contest for the presidency; & that his friends will support Genl. Jackson; I have heard, whether truly or not, I do not know that the greatest exertions are to be made, for the General in North Carolina,[2] I mention this, that you may be advised early of the doings & expectations here;

I have heard that a meeting was to take place last Saturday at Warrenton to nominate the General; when I left home a great majority in the county appeared to be for Crawford, & I imagine are yet so; a meeting for the same purpose, was to take place in Hillsborough, the day not recollected

God bless you & yours

Nathl Macon

(Mr. Bartlett Yancey
Caswell C- H-
No Carolina)

NOTES.

[1] Calhoun did withdraw and was nominated for the Vice Presidency.

[2] North Carolina cast her 15 electoral votes for Jackson and Calhoun. In the House of Representatives a majority of her members cast the vote of the State for Crawford.

Macon to Yancey.

Washington 31-March 1824

Sir

Since my last not much if any change is understood

to have taken place, in relation to the presidential election; Genl. Smith[1] of Maryland told me yesterday, that he believed Crawford was gaining in that state. Some of the New England members, also say he is in their opinion gaining there: But reports are in circulation that he is losing in our native N-C- Did you only know the Pennsylvania member[2] who is considered the best advised about public opinion in N. C. you would be surprised, if not mortified

What will be the vote of the Senate on the tariff[3] bill & that for internal improvement by federal government not known, a near one is expected

I wish, that I could see you & your family; In the present unsettled state of the politics of the country, it is desirable that the republicahs should be always at their post; power once lost is not easily regained, & republicanism must be preserved in the states, or it cannot prevail in the federal Government. The opinions of the states will be carried to Washington, and that of the people ought to give the tone to both governments

I never was more tired of a session than this, & am growing old faster than is wished; it is the course of nature, to which all must submit; I cannot speak a half hour without being hoarse

Crawford was mending he told me, on last friday very fast; Mrs. Miller[4] continues to look well & is as lively as you ever saw her, always enquires after you; That God may preserve you & your family in health & happiness is the sincere wish of your old friend-

Nathl Macon

(Mr Bartlett Yancey
Caswell C-H-
No Carolina)

NOTES.

[1] Samuel Smith, of Maryland, in the House and Senate 1793 to 1822 and Senator again 1833-'35.

[2] I can only guess that it was Daniel H. Miller.

[3] Passed the Senate and became a law. That for Internal Improvements was also passed.

[4] Probably the wife of Daniel H. Miller, Congressman from Pennsylvania.

Macon to Yancey.

Washington 6 May 1824

Sir

Since the receipt of your last letter nothing has occurred worth notice, more than you will have seen in the news papers: when Congress will adjourn God only knows, perhaps in this month

It is very probable, that N. Carolina will be the place of great electioneering this year and that some who do not now live in the state will either take it in their way home, or visit it for the purpose of advising the good people of the state for whom to vote for President & Vice President; those expected to visit for the purpose, are the friends of Jackson I mention this that you may be advised of my opinion in due time; it is supposed that King[1] & Moor[2] of Alabama & Eaton[3] of Tennessee will take the route, it is the nearest way for King, but for the others I do not imagine it is. As this is only opinion, it is intended for yourself alone,

The tariff[4] will I fear pass, it depends on two men in the Senate both from New England, who will finally I suspect vote for it, provided they can get a few alterations to suit them

I never was so tired of being here; nor never witnessed so much shyhogging: the subjects are the presidency, internal improvements, & the tariff, one is over, others yet on hand

I want much to see you, & should be equally glad to see Mrs. Yancey, but do not expect that it will be in my power to get to Caswell;

Lowrie[5] has certainly so far got the better of his opponents; The President has contrived to get himself in an awkward situation; nothing it seems to me, can be more disagreeable, than for an old man, who has spent much of his time in public life, to be about to quite the service of the country, in a condition not to be coveted;

Remember me in the most friendly terms to Mrs. Yancey, & believe me

Yr. friend
Nathl Macon

(Mr. Bartlett Yancey
Caswell C-H- No Carolina)

NOTES.

[1] William Rufus King, Representative in Congress from North Carolina 1811-'16; United States Senator from Alabama 1819-'44; and 1846-'53; Minister to France 1844-'46; Vice-President 1852 to his death, April 18, 1853; Alumnus of the University of North Carolina.

[2] Gabriel Moore, of Alabama, Representative in Congress, 1822-'29; Governor, 1829-'31; U. S. Senator, 1831-'37.

[3] John Henry Eaton, of Tennessee; U. S. Senator, 1818-'29. Secretary of War, 1829-'31; Governor of Florida Territory, 1834-'36; Minister to Spain, 1836-'40. Published a Life of Andrew Jackson. Alumnus of the University of North Carolina.

[4] The Tariff bill passed May 1824, increasing duties on iron and some agricultural products, by a vote in the House of 105 to 102. Seven Senators from New England supported it, Samuel Bell of New Hampshire, John Holmes of Maine, Wm. A. Palmer and Horatio Seymour of Vermont, Nehemiah R. Knight of Rhode Island, Henry W. Edwards and James Lanman of Connecticut. The vote was 24 to 21.

[5] Walter Lowrie of Pennsylvania; U. S. Senator 1819-'25; Secretary of the Senate 1825-'36.

Lowrie, who was a Crawford man, authorized the publication of a statement that General Jackson had advised Monroe to appoint two Federalists in his Cabinet. Jackson and Monroe denied this, but after much agitation of the subject the let- of Jackson, which was the foundation of the statement, was published. It was found to contain such expressions as, "to exterminate that *monster* called party spirit," "to select characters most conspicuous for their probity, virtue, capacity, and firmness, without regard to party," and a recomendation to appoint to the war department Colonel Drayton, who had been a Federalist before the war. Crawford men at least thought Lowrie had proved his allegation substantially, as Macon says. Jackson however was not injured.

Colonel William Drayton was a Representative in Congress

from South Carolina, 1425-'33. He was Colonel and Inspector General in the war of 1812.

Macon to Yancey.

Washington 25 Decr. 1824

Sir

A day or two before I received your letter of the 22 instant, I had written you a full Sheet, about matters & things in general; today I told Saunders[1] he ought to give all the news about the shyhogging on the election of a president, he answered, he had written you on the subject;

With you, I consider the present times vastly important. The question most important before the people, & the legislatures of the Union and the States is this, at least according to my poor Judgment; Can the federal government do whatever it deems expedient; or in other words can it promote the general welfare in any way it pleases: if it be so the rights of a minority are at the will of majority, the constitution of the U. S. is either limitted or unlimitted, if limitted the rights of a minority are protected by it & do not depend on the will of a majority: The majority want no law nor rule, both are made to secure the minority; This paragraph may be taken as part of my other letter

All parties here are I believe very anxious to know who will be the successor of Burton [2] in the H. of R., I have been repeatedly asked, who I thought would be the man: I answered, I had no information upon which to base an opinion

Claims often heretofore rejected, will I expect pass very easy this Session, because there are three millions of dollars stated to be in the Treasury, beyond the demands on it, & it is possible other circumstances may aid to get improper claims through; money not wanted for immediate use, had always better be in the hands of the people: money ought never to be borrowed unless certainly wanted; people who borrow often and much, never get rich, the banks I think could prove this, and borrowing gov-

ernments are not apt to get out of debt, witness Great Britain

The enclosed paper[3] contains a letter from Capt. Porter, on which no comment will be made, if G. Britain was in the place of Spain, a war might be expected

The Senate[4] has not acted on the bill from the H. of R. the object of which is to take possession of the mouth of Oregon (Columbia) river: I do not covet distant posts, the trade in the South Sea, has been carried on ever since we were a nation; & now all at once; a post must be maintained there, and ships of the navy must be sent to protect a trade, which has been carried on, without protection, a fleet in the South Sea, another in the Mediterranean, and another which is actually needed in the West Indies; do not calculate on economy, when money can be borrowed at less than five per centum: those who hold the public debt, never wish it paid, its value depends much, on its being considered permanent

The rulers[5] of a nation, ought not to be in debt, if a just and economical administration is desired by the people; whoever is much in debt can hardly be perfectly free, he is dependent on his indebtors: and a nation in debt always has its strong arm of defense tied fast, the longest purse being the longest sword; whether in public or private life, those in debt, are generally projectors, under the hope that every new project may afford them some relief or make them rich; & the law under which the debts were contracted, are not always the laws, by which they desire the payment to be made or enforced

I have now done as I did in my last, written much more than was expected when I begun

That you, & your whole family may be well & do well is the sincere wish of

Your friend

Nathl Macon

NOTES

[1] Romulus Mitchell Saunders, Representative in Congress from North Carolina, 1821-27 and 1841-45. Judge and Attor-

ney General in North Carolina; Minister to Spain, 1846-'49.

[2] Hutchins G. Burton, Representative in Congress 1819-'24, when he was elected Governor of North Carolina.

Willis Alston was elected in his place and served 1825-31. He had already served 1803-'19. His unsucessful competitor in 1803 was Wm. R. Davie.

[3] Commodore David Porter in suppressing piracies landed an armed force in Porto Rico. The Spanish Government protested. He defended himself on the ground that the Spanish authorities were in complicity with the pirates and that his action was necessary. He was court-martialed, convicted of disobedience of orders and suspended for six months. He resigned and was for awhile in the service of Mexico. He returned to the United States and was appointed Minister to Turkey by Jackson.

[4] This measure was championed by Mr. Floyd of Virginia, whose main argument was that it would be of advantage to the whale fishery and to the trade with China and India. It was objected to because of the inaccessability of the Oregon country and the likelihood that if the country should become populous, it could not possibly be incorporated into the Union. The vote against it in the House was 100 to 61. The Rail Road system has destroyed the force of these arguments.

John Floyd, Representative from 1817 to 1829; Governor of Virginia 1829-'34. He was father of John B. Floyd, Governor of Virginia, 1850-'53; Secretary of War, 1857-'60; Brigadier General of the Confederate States.

[5] Probably a thrust at Clay, who was often involved in debt. Once his debts were discharged by his friends, James C. Johnston, of Edenton, being one of the number. He is said to have been much addicted to gambling. Webster was also very careless of pecuniary obligations, but as he was not a candidate for the Presidency, Mr. Macon hardly had him in mind.

Wm. Barry Grove to James Hogg.

Philadelphia, March 17, 1791.

Dear Sir

I have the pleasure to acknowledge the receipt of your letter of the 12th Feby under Cover of your obliging favor of the 25th from Wilmington: In reply to the former I cant help wishing you had been at Newbern,[1] as I think tis probable you could have devised something that might have been favourable; your information however of the good spirits and *firmness* of our Western friends afford me some Consolation, and I heartily join you & them in promising ourselves better times, & fairer Representation[2] in our Genl Assembly. As a Trustee[3] rely on my attendance and exertion at Hillsboro, where I hope to be if I am alive to assist so far as in my power to promote the Institution.—As to the late Assembly doing more, harm, than good, so far as their proceedings have gone respecting the Ordinance[4] matter I join you; tho they have done good in Lending the Univ. 5000£,[5] and I am indeed pleased at the extension of time & priviledges allowed our Canal Company;[6] as to the other business I have heard or seen little more than merely the Caption of the Laws passed, from which one cant judge; and my friends while at Newbern were not as communicative as I had reason to expect, from my attention to them.

I am really concerned to understand that business is dull at Fayetteville, your reason for it I think altogether probable, to encourage Commerce at our little Town ought to be the Wish of every friend to Capefear.

You surprise me when you say Moore[7] has not delivered the Lock. I hope he does not mean to let the Winter pass away, and keep us aback another Summer for Want of that Lock— I approve of the plan for the first Lock, the upper works which it seems is most likely to decay can be repaired at small expense -you say that the Lock now to be undertaken by Mr Monroe[7] is for the Second Seat, where is the One at present finished to be placed— I shall before I leave this Country at the rise of Congress make myself particularly acquainted with every information and in-

teligence relative to the proposed Navigation in this State &c &c agreeable to your directions—I am glad Mr Hay[8] can afford any assistance toward facilitating the Work on my account; tis what I have much at heart.—

I am glad you have receiv'd *McIntosh*[9] and that it pleases you.— before now you will have heard of the final passage & ratification of the Post-office & Post road Law, and that our *elder Sister* Wilmington and her Sons, have no just cause to exclaim at a Want of attention to their interests in the regulation of the Post roads; the old route as you speak of from Virgia. by Edenton, Washington, & Newbern is continued to W. ton, and We have added to this a Cross Post from Wnton to Fayette. far be it from me to attempt, (if I had it in my power) to do any thing that should, injure the Town or Citizens of Wilmington; I have always been convinced that the true interests of that *Town* and of *our own* was the same, they are surely by Nature inseperably connected, and why should they be jealous of each other; I Could Venture to pronounce the man who wishes to Create any other sentiments, as an Enemy to both places; it would be like parting *Man & Wife* When we reflect on the circumstances and manner which the More interior parts of our State have been heretofore treated on the subject of Posts, *We are the persons who should complain*— I may venture to say with great safety, that had the present new route been established at the Commencement of the New Governt. our Citizens would not have been so shamefully pillaged of their Certifes.[10] as they have been for want of a conveyance of information among the people. this has not only been a real loss to individuals but to the State; had our own People held their Paper Credit, they would have gained the advantage of the increased Value, and become friends and attached to that Government which they Now in some measure *abhor*— Mr Hamilton thinks as I do on this subject, and expresses real Concern at the event: since North Carolinas future importance begins to be known from the riches & Population, our Ministers &c will be cautious how they recommend measures in opposition to our Will and interests.

It appears to me indeed that the *Apostate*[11] T-y in his late vote and conduct was actuated by Chagrin & resentment of them, he lost sight of the true interests of his Constituents to gratify such passions, he is not fit to represent *Freemen*, and should be, as I think he will be dispised by those who were before his friends, and thereby become a proper example for future public Characters.—

I am very happy our Saw Mill proprietors are likely to get a good Market for Lumber. I think it probable the disturbences in the We Indies will have an effect to keep that article in demand.—

The subject of the Cession[12] of our Western Lands at the late Treaty with the Cherokee Indians, is most undoubtedly a very important and interesting event to the Citizens of No. Carolina, and I apprehend will be a perplexing affair to Congress: The papers relative to that business came enclosed to Docr. W-n[13] and are now before Congress. but as the Session is so near a close and so much business to be acted on before that affair can be taken up, that I fear no decision[14] can be had on the subject before we rise, however every attention shall be paid it.— The Memmorials of the No Carolina Merchants[15] have been read and referred to the Committee of the Whole House but has not yet been taken up; every person confesses the peculiar hardship of their Situation, but seem to think that Congress have not the power of redressing the grievance, I have myself long conceived the Citizens of our Country under these Circumstances in a very deplorable situation.

It was generally believed when Mr Hammond first came to America that some Negociation would be affected wh. might put things with respect to the Treaty, & Commerce on a proper footing; but latterly I have heard it suggested that there is little probability of those important events being brought about just now, between Mr H- and our Executive- this information is not from the best authority- indeed that would be in a measure impossible to be attained as the Senators are not very communicative on any matters before them.—

Congress[17] has been engaged in a troublesome investigation for some days past on a Contested Elec-

tion from Georgia between Genel. Wayne & Genl. Jackson; the Election is set aside and a New appointment must take place.

The Indian operations have induced a pretty considerable augmentation of Troops, consequently the expenses for the defense of the frontier is greatly increased more funds for this end than the *Surplus* in our Coffers it seems will be necessary—I suppose a Loan will be the plan—as a further tax would be highly impolitic at this time. We expect before the rise of this Session to amend the Excise Law by reducing the tax *8 Cents*, and ameliorating the other parts as respects searches &c &c &c—

As I send the papers regularly to Fayetteville to be filed at Col. Dekeysers for the inspection of the public, I beg leave to refer you to them generally for the News of Philadela. &c., and also my other friends who I hope will demand a perusal of them when ever they please; the information they contain will possibly be a little *stale* before they reach Fayetteville but when we get the new line of Posts established you shall hear from the Capitol in 8 days or 9 at farthest, after *the 8h of June*. I hope you will encourage the publishing of a paper at our Town We can certainly Support so desirable a thing—

There can be no excuse for want of News when the New Posts are fixed—

I am sincerely sorry to hear Mr Huskes[18] health still continues so unfavorable, and of the many deaths about Wilmington this Winter—

I would ask pardon for the length of my letter, but when I reflect that if We were only together for 15 Minutes I could communicate much more than it contains about Locks, Canals, Politics &c &c. I think the apoligy unnecessary— Be so good as to remember me to all friends— Believe me with respect and esteem

Dear Sir
your friend
& very Hum Sert.

W. B. Grove.

Philadela. March 17h–1792
James Hogg esq

NOTES.

[1] The General Assembly met at Newbern in 1791.

[2] By the Constitution of 1776 each county was entitled to one Senator and two members of the House of Commons. Many eastern counties were small and some western had ten times as many voters. The irregularity was partially remedied in 1835.

[3] Of the University, chartered in 1789. The meeting was on the 4th of August, 1792, and it was then that the Board chose by ballot Cypritt's Bridge in Chatham county as the centre of a circle of thirty miles diameter within which the institution should be located. The Commissioners of Location, were, Frederick Hargett, Senator from Jones county, Alexander Mebane, of Orange, soon to be a Representative in Congress, James Hogg, merchant of Fayetteville, Wm. H. Hill, a Representative in Congress, David Stone, likewise a Representative in Congress, and Willie Jones, of Halifax, a very influential citizen, not then in office.

[4] The Convention of 1788 enjoined upon the General Assembly to take steps for locating the state capital within a circle of twenty miles diameter of which Isaac Hunter's plantation in the county of Wake was the centre. This was very offensive to the people of the Cape Fear valley and of the regions west because they desired the capital to be at Fayetteville. The Act carrying out the ordinance was therefore displeasing to Grove.

[5] Equal to $10,000; for the purpose of finishing the "Old East" Building, the first erected. The loan was afterwards converted into a gift.

[6] The Canal Company was organized to make the Cape Fear navigable to the junction of the Haw and Deep rivers in the county of Chatham. A town, called Haywood, was there laid out and was expected to be a considerable commercial city.

[7] Contractors for the Canal Company. The locks being of timber soon went to pieces.

[8] John Hay, eminent lawyer of Fayetteville.

[9] Sir James MacIntosh's Vindiciae Gallicae, published in 1791, as an answer to Burke's eloquent assault on the French Revolution. It was very popular in America as long as the French fever lasted.

[10] One of the strongest arguments against Hamilton's scheme of funding the debts of .the United States and of the States was that original holders of the certificates, had sold them at a great sacrifice. James Jackson, of Georgia, afterwards United States Senator and Governor, said, "Three vessels have sailed within a fortnight from this port, freighted for speculation; they are intended to purchase up the State and other securities in the hands of the uninformed, though honest citizens of North Carolina, South Carolina and Georgia." Hamilton's plan prevailed after much opposition.

[11] James Terry, Senator from Richmond county, did not stand by Fayetteville in the desperate efforts of her friends to secure the location of the seat of Government at that town. He was probably influenced by General Henry W. Harrington, of his county, one of the Commissioners who selected the Raleigh site and after whom Harrington Street in Raleigh was named.

[12] By the treaty of Holston, large areas were given up to the Cherokees. It was ratified in 1786. By a new treaty, that of Hopewell, in 1791, much land was yielded to the whites but the rest remained with the Indians. These Indian lands were mainly in Tennessee and in Georgia.

[13] Hugh Williamson, then member of Congress from the Edenton District. He was Professor of Mathematics, University of Pennsylvania, 1760–'4; Surgeon General of North Carolina during the latter part of the Revolutionary war; member of the Continental Congress, 1784–'86; delegate to the Constitutional Convention of 1787; Representative in Congress, 1790–'93; removed to New York; died May 22, 1819. He published "Observations on the Climate of America;" History of North Carolina, 1812; and many papers on scientific and political subjects.

[14] In 1783, North Carolina opened a land office to receive entries of land in the limits of what is now Tennessee, for the redemption of military and other certificates. Many surveys were made and grants issued. By the treaty of Holston, most of the territory was yielded to the Indians, North Carolina protesting through her agent and General Assembly. Thomas Person and many other claimants of these lands petitioned Congress for proper compensation, which was refused. Subsequently they were granted right of preemption whenever the Indian title should be removed.

[15] On the subject of seizure of our ships. An order in Council of Great Britain had been interpreted to authorize the seizure of all neutral vessels carrying provisions to France. This interpretation was afterwards disavowed, but not until much damage had been done.

[16] George Hammond was the first British minister to the United States, and Thomas Pinckney was the first from the United States to Great Britain. Hammond arrived in 1791 and left 1796.

[17] General Anthony Wayne, after the Revolutionary War, settled in Georgia on a plantation given him by that state. James Jackson was a prominent officer of the Revolution. He was a Representative in Congress, 1789–'91; Senator, 1793–'95 and 1801–'06; and Governor of Georgia, 1798–1801. General Wayne was unseated in 1792 on account of irregularities in the election. In the same year he was appointed to be Commander-in-Chief of the army and conquered the Northwestern Indians. After being unseated he declined to run again and was succeeded by John Milledge.

[18] Mr. John Huske, a merchant. He was son of the Private Secretary to Governor Burke, who was captured by Colonel David Fanning, with the Governor, and carried off to Wilmington. He left numerous descendants.

Grove to Hogg.

Dear Sir

For want of a Senate there could be no business

done untill the 20th Nov. when a quorum of that Body were present and enabled the Machine to proceed; the day following the President laid before both Houses his communications & details of the state of the Union during the recess of Congress—I have no doubt but you have seen a copy of his speech or address, and the answers of both Houses thereto as they have been inserted in all the newspapers, these papers contain all of the news worth relating here, and to them I refer you, as the object of the present is only to inform you that I presented your letter & memorial[1] to all the Gentlemen from No C. agreeable to desire, who I doubt not will do all in their power to obtain redress for the Petitioners.

The memorial it is thought should not be presented untill the Deeds &c. are here. as tis on their authority the claims are founded. I mention this to induce you to hasten them along: dont let any *one* Letter exceed 2 oz weight when you forward the deeds, if by post.—was there no existing Law of the State, Proclamation of the Crown or other Lawfull Mandate, forbidding Individuals or Companies of Subjects from purchasing these Lands at the time of the Indians? information on this, or any other subject that may occur relative to the business may be necessary.

Remember me to all my acquaintences about your place, and believe me to be with respect

Sir

Your Hum Servt.

W. B. Grove

Phila. 4th Decr. 1794.

Mr. John Hogg[2] left this on the 1st for Carolina, he will inform you, the taxes of your Land in Kentucky must be paid before April, or they will be sold-

James Hogg Esq.

NOTES.

[1] Memorial on the subject of the Transylvania land heretofore mentioned. The grants of North Carolina and Virginia

were available after the extinction of the Indian title. See next letter.

[2]John Hogg was a cousin and a partner of James Hogg.

Grove to Hogg.

3d Apl. 1794.

Dear Sir

I had began to form conjectures what had become of you, and whether our late misfortunes in Fayetteville might not incline you to forget that *Town & those belonging to it.* Your obliging letter however of the 6th March relieved me, and gave me consolation to find you had not lost sight of the interest of that unfortunate Spot, and that of its inhabitants—The Assembly leaving us só soon was to me an unexpected, and mortifying circumstance, and the late Fire seem'd to add misfortune, on misfortune—but still I hope we shall not be among the last— I hope yet to see our Town rise above *its misfortunes* and its enemies— As I presumed before now you have seen all that has been said by Mr. Jefferson on the one part, and Mr. Hammond on the other Relative to inexecution of the Treaty, I need say nothing on that subject as the Correspondence & Reasoning will wince [convince] any Man on which side the Reason & justice of the investigation Rests; In answer to what you ask respecting Mr. Jeffersons disapprobation of the measures of the Executive, I am informed they did not extend to the steps taken against Mr. Genet &c the letters on that subject were quite consonant to his own feelings as an American, but tis said he differed on some subjects with the other heads of Departments while the President was in Virginia—the Circumstance of his moderation adds to his honor and worth on that occation, as I have heard the Case; the [1]French Privateer Little Democrat, would have been Fired on on &c had he not refused his assent, the Consequences might have been attended with much evil at that time—

It is a Melancholy thing that such virtue as that man[2] possesses should ever be lost to this country while We stand in need of such Characters–his success-

or is a Compared to him either as to Virtue, knowledge—Republicanism, or Rational (Liberty &) Equality— Dont mistake me he is no anarchy man- no Demagogue of the mob—But he is for a plain Government and Adminisn. agreeably to the Principles and form of our Political association and Republican form of Government— He is for no Heterogenius introductions of Monarchy &c— Not even in our forms, or amusements— Let reason and equal rights and equal Laws obtain— The Committee on the Western Lands[3] have Reported Very favorably, but I will not flatter you on the adoption of the Report by the Legislature, for I know the thing will be powerfully opposed, principally on the ground that the State had never extinguished the Indian claims & had no right to sell those Lands— We will do what we can— You will before this reaches you have heard that Congress have been making serious preparation for the National defence &c. Such objects are particular requisite in a Country so unguarded as America is at present, but that aspect which some Conduct of Great Britian Wears, towards this country of late seems to justify & Call loudly for an immediate preparation of Defence. As I expect this letter will meet you at Fayetteville I refer you to my Correspondence on this subject to my friends & Constituents there, through Docr. Ingram, Mr. Hay, & Mr. Taylor[4]—but I cannot forbear saying to you that the Court of St James has most unprovokedly acted towards America an unbecoming, unjust, and perfidious part—and that We have good reason to believe (if the events in France have not Checked it) that measures were taking to destroy the Peace harmony, & Government of United America—

These things you will naturally suppose have alarmed us all here, and turned the attention of Congress to the objects of Self Defence and preservation. We are taking the necessary steps to bar our Doors, & Repel invasions—if they should be attempted— In short We mean to act just as you would do yourself, if your House was beset by a band of Robbers, fly to your arms and defend your property— An Embargo has been laid for 30 Days, it was principally intended to prevent any more of our vessels fallinginto

these Pirates hands of the We. Indies, until We could hear more of matters in that quarter & from England— We have information the orders issued by the British Court the 6th Nov. to seize and take all Neutral (that is American) Vessels &c for "Legal adjudication" has been revoked by New orders issued 8 Jany. and relaxing considerably of former restrictions on our Commerce— The principal Traders and Merchants in London as soon as they knew of the orders of the 6th Nov. (which by the way were issued privately) were very properly alarmed perceiving the consequences & effects it would produce in America, they waited immediately on Mr. Dundas as We are informed, Who assured them the words "Legal adjudication" meant nothing which could affect American property, the Judges however Who it seems had the intention construed to them, had actually Condemned great part of 250 American Vessels & Cargoes under the orders—and We are left to believe from that business and some other matters, these words would have meant all the Judges annexed to them, had not the face of Politics wore a different appearance in France on the 8th Jany, than on the 6th Nov.—

I hope, and feel confidant that all the Wourld who are impartial, must admit that the people and Governt. of America, are not to blame if this Country should be engaged in war with Britain—and even now we shall hold in one hand the Olive branch and sue for Peace and justice in the Name of "We the People of America"—Should it be refused—War I suppose must be the event, and the other hand which grasps the strength of the Nation will be used, & I can not help thinking that the energy, force & Vengeance of Free America will be next to the Wrath of G—d— I send you some papers preserve them, & make them public—

I am
Dear Sir
Your friend
& Very Hum Sev
W. B. Grove.

Mr. James Hogg.

NOTES.

[1] "The Little Sarah" belonging to the British had been captured by a French privateer and brought into Philadelphia. With the connivance and aid of Genet, the French minister, she was fitted out as a privateer. This was against our neutrality laws and measures were taken by the administration to stop her. On the assurance of Genet that the vessel would not be ready to sail for some time, forcible measures were not resorted to, as Hamilton and Knox advised. Genet broke his word and the vessel, newly named "The Little Democrat," sailed to prey upon English commerce. It was manned by American seamen. Washington was on a visit to Mt. Vernon.

[2] Jefferson resigned in 1794. He had gained the good will of all parties by his spirited action against the insolence of Genet. He retired to his farm at Monticello and there continued for three years keeping himself in touch with public men by his pen and hospitality,

[3] Heretofore explained.

[4] Doctor Ingram was not a public man. Mr. Taylor was John Louis Taylor then a member of the House of Commons, afterwards the first Chief Justice of the State of North Carolina. He afterwards resided in Newbern and then in Raleigh where he is buried.

Grove to James Hogg.

Philaa. Jany 23d—1794

Dear Sir

On arrival here I found that Congress had just got through reading the numerous communications laid before them by the Executive, most of my leisure time since has been devoted in perusing those papers which I have accomplished and have now time to think of my friends, and altho the information contained in some of those papers produce gloomy reflections and nothing very pleasant to communicate, yet my mind tells me I should write you *things might have*

been worse—as I take it for granted you have seen all the correspondence which passed between the Secretary of State, & the French Minister I need not enter into any detail on the imprudence and conduct of Monsier Genet—I shall only remark that very late despatches from the Executive Counsel of France express regret in this misunderstanding &c and assures the President that nothing of that nature shall or can effect the friendly regards the French people have for the American nation—What has passed between the Secrey of State, & the British Minister respecting the inexecution of the Treaty of Peace &c, I suspect you have not seen, as it has not yet got into the papers; the subject as handled by them, is indeed *interesting & important* and brings to mind past scenes & transactions of a tender & melancholy nature—Mr Hammond states at large the Complaints of his Court, of the Non-compliance & infractions of the Treaty on the part of America, urging the denial of Restoring the Loyalists, the continuation of confiscations, and above all the non payment of the British debts & *interest* &c &c--to these things Mr Jefferson has replied very fully, and in a masterly manner on the part of this Country proved that these charges are in a great degree not founded in exactness The documents to prove his assertion are annexed; he asserts that the two first subjects, the Restoration &c, & the further confiscation, were not by the Treaty *absolute articles* nor intended to be so, by the Commissioner for Negociating Peace as appears by their correspondence &c on these subjects at the time, he argues that the recommendatory articles considering *all things* had been more fully complied with than was generally expected—and that as to the Debts No Lawful impedement exists to prevent their recovery; as to *interest*, he argues and proves by the laws of England under the present circumstances *none should be demanded*, & that the Commisrs for Treating of peace understood the thing so, & left the subject open to the power to whom it belonged, the Judiciaries in the respective States & Jurors— I am of opinion his reason on this subject will be thought sound by those who are disinterested; he then proceeds to complain of the Violations of the Treaty

on the part of Gr Britain, he states that as soon as the Treaty was known & hostilities ceased, palpable infractions were committed under the authority of that government to *possitive* articles of the treaty, that 3000 Negroes had been taken out of the Country altho remonstrances on that subject were made, that No orders ever have issued for withdrawing his Majesties Troops out of out Country &c &c &c these explanations took place in June 1792 since which nothing further has passed on the subject, except that Mr. J.s representation was transmitted to St James shortly after its date and no answer yet made, only that Mr. Pinckney[1] mentions that Lord Granville[2] should have said to him he approved of Mr. J.s answer to Mr. H.s letter respecting the inexecution of the Treaty, from this tis to be hoped & expected all *controversies* on that score will soon be *forever* removed by a full compliance of all things therein stipulated— Some late[3] Treaties & regulations entered into by Great Britain with Russia, Sardinia, & Spain afford cause of fear and complaint on the part of America, particularly as regards our commerce our Trade has already been much cramped & injured by these Regulations which added to the Negoceation of Gt Britain & Spain with the Algerians has inflamed the minds of many to a considerable degree; in Septr. our minister was directed immedeately to *Remonstrate* against these regulations which amount to flagrant Violation of the Laws of Nations as respects the rights of a Neutral power; he was also requested to make known on the 8th Decr. the success of this business, that it should be known before Congress adjourns—the Algerian business is of a latter date and would have been the ruin of many in this Country only for the Convoy granted to 40 American Vessels by the Queen of Portugal, who it seems is displeased with the unasked friendship or interposition of England and Spain in bringing about the Truce between her Majesty & Spain & these sad Pirates, the effect of which would be to prevent that trade to her Dominions from America which is beneficial to both Nations— These things among others have been the cause of a set of Resolutions being Moved in the House of Repres. proposing to lay additional Duties on the Manufactures and Vessels of

Nations not having Commercial Treaties with America, particularly to effect great Gt. Britain so long as she may refuse to come into commercial Regulations with us upon terms of just and reasonable Reciprocity; many and Various are the advantages expected from such a system of Politics; tis said it would undoubtedly *oblige* that Government to come upon terms with us, & admit us into her We. Indies &c &c- that she cannot nor will not live comfortably without our *Custom* as consumers, nor without our Produce most of which to them is an actual Necessary of Life, and that now is the time to insist in this way for as free a trade, as we grant them, by which means the Value of our produce would be considerably & immedeately inhanced, & that it would free us from those indignities and shackles in future which have been litterly thrown on the growing Commerce of our Country- these are some of the reasons advanced by those who's Purity of sentiments I have no right to doubt but who's Politics as respects this subject does not work conviction in my Mind I am strongly impressed with an idea that Politics, & Commerce should *if possible* be kept seperate & distinct, and I can not help thinking it wants nothing but a little more Refinement among Nations who are Commercial to Make it so—If from Political Motives two powers were to engage in War, I am fully of opinion it would be to the real interest of both parties to suffer an uninterrupted Trade—I am of opinion in this commercial subject before Congress, Political feelings are to much alluded to—I confess myself chagrined at the appearance of the unfriendly dispositions Manifested by Spain & Britain towards my country, yet I can not think of doing by way of experiment to injure them, what I feel conscious might injure the Commercial and agricultural interests of America, *at least for a time*; the increase of imports & Value of Exports evinces the good state of our Trade to a Moderate degree, and the rapid addition of American Tonnage is a strong proof of the advantages already given to American Shipping by our Laws, and the improvements and progression of Manufactures among ourselves is a further proof of the good effects of the protecting duties on Certain Articles—Let us not be too anxious

for the Golden eggs, they will all come in due time tis to be hoped;and Let us not suffer the *Constitution*, of the Eagle that produces them, to be *impared*, by too many stimulating applications.—Congress has several matters of moment before them but have done nothing of consequence finally—I understood the Assembly have actually adjourned to Wake[5], not one of my friends have acquainted me how or when this was done, I really did not expect this event would have taken place so soon, pray inform me how it was effected, circumstanced as things are at the City.

I am informed the Landholders[6] are to apply to this Session of Congress for redress, you remember I told you all documents to prove the extinguishment of Indian rights would be Necessary—

I shall now conclude this Long Letter with requesting to offer my respects to Mrs Hogg & family, and to my other friends in Hillsboro.—

I am
Dear Sir
with respect and Esteem
your friend
& Huml sert.
W. B. Grove

N. B.

To forget saying anything of French Politics wouldbe heineous—they as usual present to the Wourld a new scene. Their want of moderation is still to be lamented, but their Valour & Courage surmount every thing, their determination to be Free will baffle all attempts to the contrary—they have been in a singular Manner Victorious every Where—Duke of York[7] has fled to England, Coburg & Claircraft are defeated—Ostend is taken &c &c &c &c.

I have opened this letter to contradict part of the French News, tis now said the Duke has not fled & that Ostend is not taken—

I will write Mr. Alves next post, be so good as to tell him the Transfers of Inler[8] has not come on from Genl. Skinners office yet—tho it should have been here before now

[James Hogg Esquire
Hillsborough]

NOTES.

[1] Thomas Pinckney of South Carolina; Major in Revolutionary War; Governor of South Carolina, 1789–'92; Minister to Great Britain, 1792–'94; Minister to Spain, 1794–'96; Representative in Congress, 1797–1801; Major General in the War of 1812. He was the brother of Charles Cotesworth Pinckney and cousin of Charles Pinckney.

[2] Wm. Lord Grenville (not Granville), the Secretary of State for Foreign Affairs, afterwards Prime Minister.

[3] The Algerines held some American sailors as slaves. Portugal had quarelled with Algiers and for some time kept its piratical vessels confined in the Mediterranean. The British Consul at Algiers procured a truce by which the vessels were allowed to pass the Straits of Gibraltar, thus leaving them at liberty to prey on American Commerce. Eventually in 1805 a treaty was made under which one million dollars was paid for the release of American captives and an annual tribute in addition. After the War of 1812 Commodore Decatur with twelve ships forced a new treaty, granting an indemnity, release from tribute and a promise not to make slaves of prisoners of war. Decatur then brought Tunis and Tripoli to terms.

The treaties mentioned by Mr. Grove between Great Britian and Russia, Sardinia and Spain were thought to put those nations on a better footing in regard to neutral rights than the United States.

[4] The Retaliatory Resolutions of 1790 failed. They were brought forward again in 1794 but, it appearing that Great Britain had modified its offensive order of June of the preceding year, its advocates acquiesced in sending a special Minister, John Jay, to negotiate a treaty.

[5] The General Assembly held its first meeting at Raleigh, the Seat of Government, in November, 1794.

[6] This refers to the application of Thomas Person and others heretofore explained.

[7] Frederick Augustus, Duke of York and Albany, second

son of George III. In 1793 he was sent to the Netherlands in command of an expedition to act with the Prince of Saxe-Coburg against France. He gained no honor. The army would have been ruined but for the able management of Abercromby. He soon threw up his command and returned to England. The Duke of Coburg, and General Clairfait, commanders of the Allied forces, were beaten and Belgium overrun.

[8]Judge Richard Henderson, James Hogg and others bought an immense tract in what is now Kentucky and Tennessee from the Indians but the purchase was disallowed by North Carolina and Virginia. Each State however gave the company 200,000 acres. This allusion is probably to deeds for portions of this land.

Grove to General Steele.

Phila. April 2d—94

Dear Steele

I believe you have heard from me twice since I recd your favor of 18th Feby, in those Letters I just acknowledged the rect. of yours and gave you a few lines on the spur of the occation without replying to the several matters contained in it; I have now set down to fulfill your request & my own inclination in giving you a full account of *all things*, so far as is consistant with the length of a letter, & a regard to your Patience in perusing it— You afforded me consolation by your observation on the Resoluts. respecting Commerce &c I was the only Member from the State that did not from a Principle of Policy think favorably of the system, Colo Gillespie[1] had doubts but they ended in a fixed opposition, & had any final Votes been taken him & myself would have been alone from No. C— I really join you in the opinion that you entertain of the Views and Policy of some of the Dom—n Gentry, and if we Wrong them in attributing those motives to them, tis only paying them part of the inters. of the *Wrongs in that way*, they have urged on others— But the Resolutions at present are in a trance, and if the Motives of the mover

and some of the Advocates were to bring about a misunderstanding between this Country & Gt. Britain, *they are likely to see their Views accomplished*, and perhaps like Deamons, *so evil is produced*, they are gratifyed no matter from what Cause— In answer to your observation, relative to the Pamphleteer & his aid, I would not advise any man to ride a mile to *Correct* them, or their dastardly squibs—tho I would put a black mark on them to know them again.

Shortly after my arrival here from the Assembly you & your Public Conduct was matter of conversation at our Lodging one evening, present our friend Macon, *The Honol. John Brown*[2] *of the Senate*, Colo Blount, Colo Parker, and Colo McDowall, with some New England Gentln. who live at Francis's with us, and a certain *High Priest*[3] of the Jews I believe, tho a mighty Dominion *Man*— Some of the Company by insinuations &c &c, "were *induced* to *fear* your Conduct was disaproved of generally in our State," & in your own Country in particular—that you were *not fond* enough of the Virg-s, or as I replyed you were not *subservient* to them— You were too intimate with Mr Hamilton, as proof he had Breakfasted with you —"in short, time would show that the People of our State would desert you"— I need not tell you to all these things I did not *hesitate* to reply in *pretty warm* terms and to lug out the monster *envy* which I considered had Created these sentiments— I ended by saying what I *vervly* believed without any flummery, that for every Vote you had ever given, you had an honorable & honest motive, & that you were the most *Popular Man* in the State, and that before the then Sessn. of Assembly rose, if an oppory. offered, my declaration would be Verifyed—so that independent of my pleasure at your appointment of Major General I felt my judgment at stake. The Honol- J—e,[4] "*Cauvauted*"[5] dont laugh at the expression, it suits the idea I meant to convey, and you know tis orthodox from the *Derivation;* he felt for the honor of his Honol. friend, & all the Honol. Military Gentl. of his District &c— I laughed, I soothed, I reasoned, I did better, I told him as *he* was inelligeble from the present Honol. station he was in, I did not know a man in the Division so proper in my opinion as yourself—

this in a degree lulled his active soul to rest— If he had less Vanity & a little more understanding he would be passable—all these things as you say are a sort of Confidential scribble—

To give you a tolerable idea of the Worthies of Congress is no easy job—of the New Hands however I shall try to give you some impression of the abilities &c of the Speakers so far as I am Capable of judging—lets begin at the foundation, & at North Point—from N. H. Mr Sherebourne[6] is a man of talents and speaks handsome, tho seldom— Massts. Mr Dexter[7] a calm reasoner, rather refined for Common ears, a man of good sense— Colo Lyman[8] often on the floor, not very flowery nor tedious, but a little of Roger Sherman[9] in Cun-g— Genl. DearBorne[10] an old Continental officer, Strong natural sense, and in all a pretty clever man—better fitted for the Military than a Legislator however— C-t- Mr Swift[11]-speaks sometimes—a good natured man, tho no Orator— Mr Tracey[12] a man of humour and a strong mind, he is of considerable Weight—tho not very refined in his pronunciation or Language, he is like most of his Country Men clear headed, knows what he would be at, and has a tolerable manner of expressing himself, that others may see his object— Mr Coit[14]—speaks very seldom, tho in my opinion with perspicuity, & handsomely— R. I.[15]—you know the old Member, & the new one does not Speak in the House— N. Y. Mr Watts[16] from the City is no Orator, but I believe he is a man of pretty good understanding, Mr Gilbert[17]—Speaks correctly, tho has an impedement— N— Jersey— no new Speaker— P-a- Mr. Smiley[18] a man who was very Popular in the State Assembly, he is a great Demo- and taulks tolerable Well—you know Mr Scott[19]—he is a right sensible old Man— D[20]—,all the Oratory of that State in theSenate M Mr Smith[21] of Baltimore—a Red hot flaming Speaker, a good Merct.—a Warm Patriot—rather too much fire for a Politician and a Calm Legislator— V-a- Mr Nicholas[22]—A good Voice & tolerable orator, he is too warm & fond of annexing wrong *motives* to those who differ from him— Mr. Harrison,[23] a pleasant Man and speaks pretty well— N. C.— Oh, ah—yes, true— you are *acquaint* then with the Gentleman *I allege*—

S. C.— Mr Hunter [24] is a man of sound judgment, and a tolerable Speaker— G [25]–Mr Carnes [26] has Handsome talents for Speaking, but from Diffidence or other causes, he seldom says anything— *So*, I have gone through the Continent in the lower House, perhaps I have not done Gentlemen justice, but really I meant not by what I have said to *injure one of them*— Now Mr G— be so good as Step up Stairs, and take a peep into the Senate Chamber—That Mighty Conclave, where it has been Surmized Majestic Majick dwealt, where the illumined minds of mortals shone so bright as to exclude the rays of light from Heaven—where it has been suggested that Dangerous *Vice* sets as a Mirror on a throne, to make that hateful Monster *aristocracy* lose all its proud & surly Features by dressing it in the garb of Drusilla— The Deception however is discovered, and the Lords, the Mighty Lords, are to be beheld as soon as accomodations can be prepared for the People, who in their Compassion must behold some of them with *Pity* because they *may* expose their Weakness in an unguarded hour— to be short with you the Doors of the Senate are to be open next Sessn.—when some of the Within will shew their *Nakedness*— I was prent at times during the Discussion of Galatines Election, he has lost his seat, not having been an Actual Citizen 9 years—tho an Inhabitant 11 years or near it, he only wanted a few months – The Genl. [28] is still that warm and Vociferous Orator you knew him—When below, he spoke so that those above, might hear, Now he wants those below to participate-- Govr. Martin [29] was a *stiff* Advocate for opening the Doors, and gained no small Credit for his perseverance, & success in *his Motion*—

It is indeed a very unpleasant thing to be confined in a Close room, or indeed in a ho-l-l-w L-g [30] in a Warm day— By the Lord you'l bring me into a scrape—

You ask what influence brt. Randolph in—I answer it, by saying tis the question every one asks, and No one can tell— I think from the genl. opinion let what ever influence put him in, he will carry not much out I suspect—even the Virginians are displeased at the appointment—but tis said Madison

would not accept it— It is said Knox[31] & Hamilton will resign—I dont believe it—tho if We should have a War, I think tis probable Hamilton will be Commd in Chief— He is Certainly a Man of fine talents, and altho I dislike his Politics on many subjects—I do admire his Genius— I go very seldom to Court[32] and less to Madams than usual the Theatre takes off many Ladies—& you may often make your Bow to her & Miss Custis and perhaps not see five Ladies the whole eveng.— I suspect your remark that a Man should make his *Nod* on Tuesdays to be remembered is true enough—you know however the *Man*, whatever he may think he says little on any subject—altho I think he is more relaxed in his conversation than formerly—

I assure you I felt concerned on hearing of the Death of the old Genl.[33]— I sincerely wish all his family Well and am Sorry for the Girls if he had failed in making proper Provision for them—for in my opinion they are Deserving of every thing that should make them Happy there not having Fortunes would not lessen their Worth in my Mind—and if I remember Well I thought Pol-y- a remarkable fine Woman —I wish then both well Married & very Happy—

"Hey ho-so, she has *got it* at last has she— Does Anderson become a Member of your Town? I told Genl. Lock[34] the Widow was renewing her age, & that I expected she would *Captivate* him when he got home— Your apology for what you call trifles in your letter was not necessary, every thing relative to a Mans Country & acquaintences is interesting to him, more especially when he is from home—and such little anecdotes are to the mind, what Syllabubs, Custards and ice Cream are to the Stomack after a hearty meal, they tend to assist digestion and qualify the Cruder substances, as I mean to begin a new Sheet with a New Subject I must end this space with this subject—then such trifles assist, and *tend, tend;* to fill up a Sheet as I have done this, & as Boys eat bread to fill up chinks

I believe Mr Macon & myself have Warned you of the threatening Storm, I assure it has a dark appearance— Orders were privately issued from the Court of St James on the 6th Novr. to all the armed Ves-

sels &c of his *Majesty*, to seize all Neutral Vessels bound to or from the French Islands and take them as Lawful prize &c—our trade to France has been knocked up by a similar order in Augt—but it being made public our Merchants & Vessels conducted accordingly and no very great injury was done further than preventing us pursuing a fair & profitable trade — remonstrance was made—and a promise in part to restore property &c however this further order of 6th Nov. was issued and put in force before our Minister at London knew any thing of the business—he wrote on 25th Nov.—when he informs us Lord Grenville expressed great respect for the Americans & their Neutral rights—that his Majesty was pleased at their prosperity and a D—n deal more such stuff—when at that very time or a few days before they had issued orders to Seize & Condemn all our Vessels which were on a fair Commerce, for the Americans were allowed to trade to the French Islands before the Death of the King nearly 2 years— We have received within a few days a taulk Delivered by Lord Dochester to the Indians, full of hints and insidious language, pointed at the Und States—he tells them tis not unlikely his Master may be at War with us—&c &c. and that they shall find a Friend in the British People either in Peace or war—that We have forfeited these Lands & Ports or words to that amount— Our Consul at St Eustatia has given us a few days ago an account officially of the Depredations & Spoilation Committed by the British Creuzers under the order of the 6th Nov. upward of 250 sail American Vessels are taken, 150 Were Condemned—and the same fate awaits them all—you must at once see the effect these things added to all other injuries produces in the public mind against that faithless Government of Gr. Britain— In Novr. last that Perfidious Court full of hope & Conscious of success, from her uncommon exertions & that of the allies against France—had beyond any Manner of Doubt formed a plan of *Ruining* the Commerce of America, and our growing Marine, of prostrating us once more at her feet where No Mercy is to be expected—and perhaps all powerful by her allies she meditated a Serious design of Subjugating Freedom, Liberty & Republicanism, in *Amer-*

ica, that Spot where the Sacred flame first appeared in modern times, and I hope it may never be extinguished but by a total annihilation of the Very Earth itself— That such a plan and System has been Contemplated by Britain & her Combined Despots begins to appear as clear as day – They thought Conquering France & Dividing it would be Nothing, While Freedom and the rights of Man in a rational sense remained triumphant in America, that spot where French Men Caught the Never dying flame, the effects of which has Shaken Europe to its Center, and made every Tyrant Shudder on his Throne— I say they thought reducing France to her former Misery, would be but half the Work, they premeditated the putting the ax to the root, and that must be done in the United States— What a Scene of horror does the very idea present—and what feelings do they produce in an American breast— America the assylum for the oppressed and Virtuous of all the World, where even Vice itself loses its powers in a measure, because there exists little inducement to be Vicious —Where all Men enjoy under a System of Laws equal rights, & equal advantages, Where the rights and interests of Strangers are guarded & protected in a peculiar Manner—Where the Citizens & the Governt. in their intercourse, with *other Nations*, treat them with Friendship, Justice, & open Candour, Where the Subjects of all Nations can dwell in peace & safety, pursue their several occupations, and retire with all their Effects to their Native Country, loaded with the Wealth they acquired among us—under such circumstances is it not wonderful, is it not Melancholy, that there should exist a Set of Men, Combined by fell ambition—to Destroy the Peace & harmony of such a Country— Yet such has been the Case I do believe—and had not the French been so graciously successful the last Winter, I suspect American Blood, would have mingled With the Cut throats of Europe in our own Country before Next Jany—

But the Republican French have been uncommonly Fortunate in repelling their Enemies, so much so as to give a strong hope Peace may be expected, or at least the fangs of the Lyon are so blunted as to apprehend less danger from him—and John Bull begins to

be tired of the business, tis believed— Tho we have yet got Nothing from Mr Pinckney since Novr.— An Embargo is laid for 30 days, it may be the means of making Sir Chs Jervis and his troops in the We Indies keep tent; until we know more of matters—tho we have by way of We Indies a New Set of instructions of the 8h Jany—annulling the orders of the 6th Novr. and giving Americans some little more freedom of trade, but We will shew them before We are Done, Americans dont intend to obey the King & Counsil— as our fore Fathers did; they order Matters better in America Now—a Resolution has been under Discussion for two days proposing to Sequester all British debts to be pd. into the Treasury as a fund to pay the Amern. Citizens in case Justice is not done them by the British Govert— I confess I do not like to meddle with private Contracts, but really I see no other mode of Securing such a faithless Governt. to Keep the Peace & Do Justice—

We have a plan before us for organizing 80 Militia —I send you the plan as Reported. to raise 800 More Men to guard the Several Ports and Provisionally 15000 Regulars in Case of War these things will astonish you I am sure, tho they are only propositions —I am for No other force than the Young Men of the Militia from 18 to 25—or so and particularly while tis Not Certain we shall Want no other force— The increase of Expenses, Fortifications, purchasing arms &c &c &c will make the current expenses upwards of five & one half Million Dollars for 94—the probable Deficiences of Revinue is 2,340,000 Dollrs. deducting the probable Deficiences of impost— I am one of 15 —a Committee on this subject to report ways & means— We have done Nothing final yet, we had a Meeting yesterday, & had Secry H— before us, he appeared cursedly Mortifyed— Those on the Committee who had been always opposed to References to him on this Subject made no great Show— I expected Mr Madison would have come forward with some System but he did not— I suspect We Shall Employ the Secry yet— Stamps on Law papers & assignments was proposed be taxed as one fund, Carriages of Pleasure, and finally Land— I really fear We shall be obliged to lay a small tax on Land, or

Polls What do you think— Will the People run the risque of leaving our Country in a defenceless State rather than pay a Land tax—

I signed a paper a few days ago drawn up by Hawkins, addressed to the People of the State, tis to be in Hodges paper— I dont know that it Can do any harm, but on reflection I wish I had not put my Name to it— Macon was the only one that did not sign it —all our acquaintences are Well— Farewell my Dear Sir and let me hear from you—Adieu

W. B. Grove

Genl. Steele

NOTES.

[1] James Gillespie, of Duplin County, North Carolina; Representative in Congress 1793-'99, and 1803-'05. He supported the Resolution, for retaliation on England.

[2] John Brown; delegate to the Continental Congress from the Kentucky District 1787-'88; Representative in Congress 1789-'92; one of the first Senators from Kentucky 1793-1804. He was the last survivor of the Congress of the Confederation. He died in 1804.

Thomas Blount of North Carolina. Representative 1793-'99 and 1805-'7; again 1811-'12. He died in 1812 and is buried at Washington. He was Lieutenant in the Revolution and afterwards Major-General of Militia.

Josiah Parker, of Virginia; Representative 1789-1801.

Joseph McDowell, of North Carolina; known as of Quaker Meadows; fought at King's Mountain; opposed the adoption of the Federal Constitution in 1788; Representative in Congress, 1793-'95, and again 1797-'99. Some say that Dr. Joseph McDowell, of Pleasant Gardens was the Representative of the latter date.

[3] I suggest that Albert Gallatin is here meant. He had been refused a seat in the Senate because he had not been naturalized nine years. He was not a Jew but being a foreigner and especially odious to the Federalists by his having been concerned in the Whiskey Insurrection and by his ag-

gressive ability as a leader of the opposite party, Grove may have suspected that he was of that religion, which was then more unpopular than in recent years. Gallatin was a Representative from Pennsylvania, 1795-1801; Secretary of the Treasury, 1802-'14; Minister, with Clay, Adams, Bayard and Russell to negotiate the treaty of Ghent in 1814; Minister to France 1815-'23; Minister to Great Britain 1826-'27. Removed to New York City, where he was President of a Bank, of the New York Historical Society and the United States Ethnological Society. Died 1849.

[4] I am doubful as to the identity of this gentleman. Spruce McCoy, of Salibury was a State Judge at that time and "Hon J-e"(Judge) may mean him. There is no evidence that he was in Philadelphia. Matthew Locke of Salisbury was a member of Congress but was never a Judge. Perhaps he had been Chairman of the County Court and Grove may have given him the title sneeringly.

[5] This word is an Americanism, corrupted from curvetting, i.e. prancing around.

[6] John Samuel Shenburne; lost a leg in the Revolutionary War; Representative 1793-'97; U. S. District Judge from New Hampshire, 1804-'30.

[7] Samuel Dexter; a Federalist; Representative 1793-'95; United States Senator 1795-'99; Secretary of War, May 13, 1800; of the Treasury, December 31, 1800; a leading practioner before the Supreme Court of the United States. Published a poem, "Progress of Science," and a volume of Speeches and Pamphlets.

[8] William Lyman, Brigadier General of Militia; Representative, 1793-'97; Consul at London 1805-'11.

[6] Roger Sherman; a Judge in Massachusetts and then in Connecticut; delegate to the Continental Congress, 1774-'84; delegate to Constitutional Convention of 1787; Representative in Congress, 1789-'91; Senator, 1791-'93. His high reputation will hardly be diminished by Grove's charge of "cunning."

[10] Henry Dearborn; resident of Maine, when a part of Massa-

chusetts; Major General of Militia, 1789; Representative, 1793-'97; Secretary of War, 1801-'09; Senior Major General in the war of 1812; Minister to Portugal, 1822-'24.

[11] Zephaniah Swift; Representative, 1793-'97; Chief Justice of Supreme Court of Connecticut, 1806-'19; Member of the Hartford Convention; Published some law books on legal subjects.

[12] Uriah Tracy; Representative, 1793-'96; United States Senator, 1796-'1807. Died at Washington, 1807.

[14] Joshua Coit; Representative, 1793-'98; died 1798 at New London of Yellow Fever.

[15] The old member was Benjamin Bourne; the new, George Leonard.

[16] John Watts; Representative from New York City, 1793-'95.

[17] Ezekiel Gilbert; Representative, 1793-'97; was a lawyer at Hudson, New York; Paralyzed, 1812, and was a sufferer for thirty years afterwards.

[18] John Smilie; Born in Ireland; Representative, 1793-'95 and 1799-1813. Died 1813 at Washington.

[19] Thomas Scott; Representative, 1789-'91, and 1793-'95.

[20] Delaware. The Senators from this State were then Henry Latimer and John Vining. Vining was a frequent speaker, Latimer not at all. Probably Grove had in mind the distinguished George Read, who resigned in the latter part of 1793.

[21] Samuel Smith; a Revolutionary Colonel; Representative 1793-1803, and 1816-'22; Senator, 1803-'15, and 1822-'33; Commanded Maryland troops in repulse of British at Baltimore, 1814; Mayor of Baltimore.

[22] John Nicholas; Representative, 1793-1801; Removed to Geneva, New York; Member of State Senate and County Court Judge. To be distinguished from Wilson Cary Nicholas, delegate to the Constitutional Convention of 1787; U. S. Senator, 1800-'04; Representative, 1807-'09, and Governor of Virginia, 1814-'17.

[23] Carter B. Harrison, Representative, 1793-'99.

[24] John Hunter; Representative, 1793-'95; U. S. Senator, 1797-'98; a farmer.

[26] Thomas P. Carnes; Born in Maryland; settled at Milledgeville, Ga.; Attorney General; Judge of Supreme Court of Georgia; Representative, 1793-'95.

[27] The Senate sat with closed doors until 1795. This was very unpopular, especially in North Carolina where the custom had been for the members of Congress to appear before the General Assemblies and report their actions.

[28] James Jackson; Senator from Georgia, 1793-'95. He was a Representative, 1789-'91.

[29] Alexander Martin. Born in New Jersey; Graduated at Princeton, 1756; began practice of the law in North Carolina, 1772; Colonel of the Continental Line at Brandywine and Germantown; State Senator 1782-'85, and 1789-'92; Acting Governor of North Carolina, 1781-'82; Governor, 1782-'85, and 1789-'92; U. S. Senator, 1793-'99.

[30] This humorous sally alludes to the charge against Governor Martin that he hid in a hollow log at Germanton. The matter was investigated by a court martial, which acquitted him.

[31] Edmund Jennings Randolph; Aid-de-camp to Washington; Attorney General of Virginia; delegate to the Continental Congress, 1779-'82; Governor of Virginia, 1786-'88; Attorney Genernal of the U. S.,1789-'94; Secretary of State in place of Jefferson, resigned, 1794-'95; Invited to resign in consequence of an apparent intrigue with the French Minister, Fauchet. He published a "Vindication" of his conduct, which many think is unsatisfactory.

[31] Henry Knox of Massachusetts; Major General in the Revolutionary war; Secretary of War, 1789; Resigned in 1795. Alexander Hamilton, Secretary of the Treasury, resigned the same year.

[32] Washington's levees were held every Tuesday afternoon from three to four o'clock precisely. The guests stood and he walked to them, saying a few words to each, bowing but not shaking hands. The levees of "Madam," or as she was usually called "Lady Washington," were on Friday evenings

from eight to ten, and usually were attended by the fashionable of the city. She was a charming hostess. The President often attended and seemed to enjoy the beauty and sparkle. Miss Eleanor (Nelly) Custis was the daughter of John Parke Custis, son of Mrs. Washington, after her father's death adopted by the General. She was very vivacious and attractive. She married Washington's nephew, Lawrence Lewis.

[33] Probably General John Smith, of Rowan, who married the widow of Moses Alexander of Cabarrus, the mother of Gov. Nathaniel Alexander, and William, Mark and Wallace Alexander, all in the Continental Line of the Revolutionary army. Wallace was a Senator from Lincoln County. One of his daughters married Archibald Henderson, and another, Wm. Locke, nephew of Judge Locke.

[34] Matthew Locke; Representative, 1793-97, from North Carolina. Mr. Grove's sarcastic allusion to a new North Carolina Representative was pointed at Joseph McDowell and not at Locke, I think.

Grove to Hogg.

6th Feby 1795

Dear Sir.

The enclosed sheet of our Journal will inform you what was the result of the Vote in Congress on the application by Thos Person & others for Compensation for Lands in the So. We. Territory—

The subject took up great part of two days and I believe nothing was omitted that could be said on either side. Mr Smith S C was an able advocate, but the House seemed assured the Indian claims had never been fairly extinguished since the Treaty at Long Island of Holston in 1777—which gave the Indians that part of Hendersons purchase lying on the head waters of the Cumberland River—

A proposition is now made which seems to be generally approved of, that a Treaty should be held with the Indians & their right purchased when the Proprietors of Land in that Country Would have their titles perfected and might occupy their Property—

We have had no determination on the Companies Claim, but from what was Said on the other subject I have no expectation any thing can be done for them exclusively— We therefore Wait under a hope the Indian claims may be purchased, or at least that an attempt may be made— I shall write you again on this subject—

Mr Jay has entered into a Treaty with the British Govert., which We hope & believe will be favorable to this country, altho the several articles are not known—as soon as it arrives & is confirmed by the President & Senate it will be published— The last accts. from the Seat of War in Europe, they were as usual Fighting away like Mad men on all sides The French are still Victorious in Holland and Spain— We were induced to believe from some late accts. that a Peace was desired & concluded between the French and some of her Enemies, but this rather doubtfull—

I am
In haste
Your friend
O H Ser
W B Grove

[James Hogg Esq
Hillsboro. No. Carolina]

Grove to Hogg.

Philaa. Jany 4th, 1797

Dear Sir

You have no doubt seen the Charges ' of the French against the Government of the United States as exhibited by their Minister *Mr Adet* through the medium of the public prints; this unexpected event, & strange conduct of our old allies has naturally created considerable alarm & anxiety, the more as we understand they are in the West Indies executing the *Decree* in the most extensive latitude by seizing & condemning all American Vessels & Cargoes without paying much regard to forms, or to the Ports from which, or *to which*, they are bound—*these Charges* are the mere pretects thrown out to Colour their *Decree*, which is in open Violation of Treaty & the Laws of Nations, neither of which is regarded by

them, when they stand in the Way of their present *grand design* of cutting up all commerce to British ports, disregarding the Consequences it may have on the Neutral commerce, & particularly *on the U S.* as they know our Trade is mostly with Gt Britain— Thus these two powerful rival Nations are inattentive to Justice or principle, towards others; if they can do *each other an injury*, they are regardless of the Means; and alas, the unprotected American commerce is at their mercy and they have treated it as if they knew Not What *Justice or Mercy Was*—

[2] The enclosed Paper contains a lengthy reply & refutation on the part of our Government, of the French charges of "*insiduous Neutrality*" *&c &c*— I I hope there is not a real American who does not feel as he ought on such an occasion, a contempt for such a declaration, against the *Will* of a Free People, who desired to be at Peace with the Wourld, & have dealt fairly with all.

That the Government of the Ud States eluded & defeated all the plans and intrigues that has been on foot to Yoke America into the European War has probably given *offence* to the French and if using every rational & honourable Means to Maintain Peace in this Country, & keep free of the Desolating War of the old Wourld has been an offence to the good People of America, *their Government has been guilty of it*— It is to be hoped the Negociations going on at Paris may speedily terminate the War, otherwise our Commerce to Foreign Countries will be in a great measure ruined, & the Government will of course be driven to the necessity of a *Direct Tax*, which subject is now before us to be in readiness for Deficiencies of import & Tonnage—

Mr Adams is Elected President,[3] & Mr Jefferson Vice,—this is as we both wished, if I remember— the latter Gentleman will serve, & expresses satisfaction at the Election of Mr A—whos Character & Patriotism it seems he, does, &, ever respected— that Mr Adams got only one Vote in our State, & *Mr Burr 6*, reflects no great judgment or respect of a Proper Character to fill so important an office as President, in our Electors— Mr B—— could not get one Vote in the State he belonged to, & where he was

bred & born, nor in either of the adjoining states—& yet he got 6 in No. Carolina— Mr Adams did not lose one Vote in 8 States—and got some votes in 4 others— I hope his Conduct in the Execution of the high trust reposed in him may prove Satisfactory to his Country, & may be the means of shewing to the Wourld that he is a real *friend in action* and Principles, to the Republic of America, as established by our Constitution.

The Winter is the most Severe one, that has been known for many Years, and the Westerly Wind prevents us getting late information from the other side of the Water— The articles[4] for the University were shipped from London in Novr., & the Vessel is not yet heard of—this may prove a further disappointment to the University; & a loss to Mr Richardson by whom they were to be imported— — I shall be gratified on hearing from you, the News and Politics of the State—remember me to all acquaintances in and about Hillsboro—

Believe me to be
Dear Sir
with esteem and regard
your Huml Sert.
W B Grove

James Hogg esq,

NOTES.

[1] These charges were in substance, as summarized by Tucker:

a In abandonment by the United States of their neutral rights. It was contended that the United States would insist on the principle that neutral ships make their cargoes free, and resist the extension of the list of contraband articles.

b That the United States had violated the treaty of 1778, especially in not giving French vessels more privileges in our ports than English vessels.

c That the Jay Treaty with Great Britain discriminated against France.

d That the Cabinet in 1793 discussed the question whether

the treaties with France were binding, also whether they would receive the agents of the proscribed princes.

e That the United States made an insidious proclamation of neutrality.

f By chicaneries the courts of the United States were unjust to French privateers.

g The United States had eluded the offered mediation of France with Algiers for relieving American prisoners.

h It allowed French vessels of state to be arrested, contrary to treaty.

i It suffered England to interrupt its commerce with France.

j It suffered English vessels, which had insulted the United States, to take refuge in her ports and thence cruise against the French.

k It in effect applauded English audacity; allowed French colonies to be blockaded.

l It eluded French advances for more favorable treaties, while it sought a treaty with England which prostituted its neutrality, and forgot the services France had rendered in the war of the Revolution.

m That from the New York Coffee House the entwined flags of the two nations had been removed by the proprietors.

n That an American almanac had failed to give precedence to French diplomacy.

o That the consular convention between the two nations had been rendered illusory in two particulars.

p That Minister Fauchet, on leaving the United States, hed been subjected to annoying treatment by a British ship.

[a] The answer of the United States as given by Tucker was, in substance:

That the United States did not violate our treaty or weaken our engagements with France; that no resistance was made to the measures of Genet and others of her agents, except what was required by our laws and neutral obligations; that it never acquiesced in violation of our rights or stipulations

with France, but has opposed them always; that it has furnished France all succor allowable to neutrals; that the United States as a sovereign, as well as by provisions of the commercial treaties with France, had the right to enter into commercial treaties with Great Britain or any other nation; that no facts showing partiality to Great Britain could be produced.

If there has been greater promptitude to act against unlawful acts of French cruisers, it was because they were more frequently committed on account of the greater sympathy of our people with them. And when British ships of war entered our waters with their prizes, the government had no means of punishing such infractions without calling out the militia.

[3] In the election of 1796 Connecticut, Delaware, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, voted solidly for Adams. Maryland gave him 7 out of 10 votes, North Carolina 1 of 12, Pennsylvania 1 of 15, while Georgia, Kentucky, South Carolina and Tennessee voted solidly against him. Kentucky gave Burr 4 votes, Maryland 3, North Carolina 6, Pennsylvania 13, Tennessee 3, Virginia 1. Jefferson received 4 each from Georgia, Kentucky and Maryland, 11 from North Carolina, 14 from Pennsylvania, 8 from South Carolina, 3 from Tennessee, and 20 from Virginia. Thomas Pinckney had from Connecticut 4, Delaware 3, Maryland 4, Massachusetts 13, New Jersey 7, New York 12, North Carolina 1, Pennsylvania 2, South Carolina 8, Vermont 4, Virginia 1. There were 15 votes for Samuel Adams from Virginia, 11 for Oliver Ellsworth from Masssachusetts, New Hampshire and Rhode Island, 7 for George Clinton from Georgia and Virginia, 5 for John Jay from Connecticut, 3 for James Iredell from North Carolina, 2 for George Washington from North Carolina and Virginia, 2 for John Henry from Maryland, 2 for Samuel Johnston of North Carolina from Massachusetts, and 1 for C. C. Pinckney from North Carolina. Thus Adams had 71 votes, Jefferson 68, Thomas Pinck-

ney 59 and Burr 30, and under the constitution as it was then Adams was President and Jefferson Vice-President. Pinckney was a Federalist and Hamilton vainly endeavored to have him receive more votes than Adams. The total number of votes was 138, but it was not required that the Vice-President should be chosen by a majority.

'The articles, electrical and other apparatus, for the University of North Carolina, arrived safely.

Grove to Steele.

Fayette Ville Octor. 1st —1802

My Dear Sir

I returned yesterday from Hillsbror, where I went on the 9th Septr. with Mrs. G— on a Visit to her friends; on my return I found in the Post office your favor of the 16th ult. which gave me the first information of your return home, altho' I made enquirey after you while in Orange—I hope your Family have recovered since you wrote, & that you continue to enjoy good health in the Native climate; tho' Salisbury is looseing its reputation of being healthy.

From your letter, & the Copy of the one to the head of your Department, which you have done me the favor to enclose for my perusal, I perceive with regret, that you have new cause to be dissatisfied with your position in the Govemt.

As soon as I read the report of the *Investigating* discriminating & criminating Committee, I could not help seeing the *deep cut* made at the Former Treasury Departt.[1] From the temper & Views of the majority of that Committee, It was to be apprehended they would sieze on every possible case to injure the feelings & reputation of the former Adminisn. but from the Examination & report of the Committee of the session before last, on the Treasury Departnt, I did suppose the *new investigators* would find little to add, as to that branch of the Government; but in the spirit of the times, they have wisely and economically discovered, that for want of *their legal aad saving construction* of the acts of Congress, monies have

been disbursed without an act of appropriation, of course these monies should be refunded, & they the Committee appointed as a standing Board of expounders-!-The contempt mixed with indignation which the late Report excited in me caused me to think, that the Men of sense and decency of their party would condemn it; as a crude, partial, & ignorant production—& that tho' they might for political reasons, *wink* at its censure; I did not presume the head of any Departmt. would sanction & adopt the report as the rule of their office—I am really sorry to find there is reason to believe it otherwise, & that the present Head of the Treasury in the case of *Wooiside* is disposed to give a new construction to the Law, so as to produce a clashing of opinion Between your Judgment & former decisions, and his own—If this difference of opinion on the meaning of a Law, arises alone from the honest & impartial Judgment of the Secretary, or is unconnected with any other cause or motive than a desire to construe Laws fairly, I can not think it should add to your inducements to leave the Department—of this you alone can best judge—But while you are permitted to think and act independently on your own Judgment and sentiments, & are treated with that delicacy aud attention due to your services, your Character & your situation, I m[ost] earnestly wish you to continue in office—If this is not the case I know you too Well, to suppose you would act with any set of Men.—

We have no news here, and were it not for the railings & abuse of Duane,[2] Callander, &c. against each other, we should consider the papers dull, but these fellows unfold some things worth knowing respecting the falsehood & knavery which has been going on among them, & are fulfilling two things, that Dog will eat Dog; and that when rogues fall out honest men come to their right—

I am Very certain you join me in regretting—sincerely regretting the fate of poor Spaight[3]. He has fallen a sacrifice to his own Violence of temper, for he might have adjusted his dispute with honor, without going to extremities—

Flour will probably continue about 5 to $7—Cotton from $12 to $15 pr. Cwt. picked—3 to 3 1-2 for

THE UNIVERSITY OF NORTH CAROLINA

JAMES SPRUNT HISTORICAL MONOGRAPH NO. 4

Letters and Documents, Relating to the Early History of the Lower Cape Fear, with Introduction and Notes by Kemp P. Battle, LL.D.

1904

THE UNIVERSITY RECORD NUMBER 24

The University of North Carolina

JAMES SPRUNT
Historical Monograph No. 4

Letters and Documents, Relating to the Early History of the Lower Cape Fear, with Introduction and Notes by Kemp P. Battle, LL.D.

CHAPEL HILL
PUBLISHED BY THE UNIVERSITY
1903

THE UNIVERSITY PRESS
CHAPEL HILL

CONTENTS OF THIS PUBLICATION.

1. Extracts from the papers of the DeRosset family, of Wilmington, furnished at our request by Mrs. Catharine DeRosset Meares, widow of the gallant Colonel Gaston Meares, who fell at Malvern Hill, and by Col. Wm. Lord DeRosset.

2. Extracts from the Journal of the Board of Commissioners of Wilmington, with an introduction by Captain Samuel A. Ashe, who is lineally descended from Governor and Judge Samuel Ashe, brother of General John Ashe, and an officer of the Revolution.

3. Journal of Joshua Potts in regard to the location of Smithville (Southport).

4. Letter of Captain Samuel Ashe, son of Governor Samuel Ashe, and who fought for America at Eutaw, giving valuable information about the men and events in the Revolution.

5. Journal of General Joseph G. Swift, a United States officer stationed on our coast about 1807, who married a North Carolina lady. This was published for private distribution but is out of print.

6. Extracts from an oration by Colonel James G. Burr, giving some important information.

INTRODUCTION.

The James Sprunt Monograph, No. 4, published by the University of North Carolina, is a contribution to the history of the lower Cape Fear. This section of the State has been conspicuous from its first settlement for the wealth, the intelligence, the hospitality, the elegant manners and public spirit of its citizens. One of its earliest settlers, Colonel Maurice Moore, was a chief factor in crushing the Indian rising of 1711. Another, Col. Hugh Waddell, did important service in the French and Indian War. Its Ashes, its Moores, its Harnett, its Hooper, its Howe, its Lillington, and other strong men, were among the foremost in resisting oppression and securing independence. Its civilians have in large degree aided in moulding our institutions. Valuable efforts to perpetuate their memories by biographical notices have been made by Hon. George Davis, Captain Samuel A. Ashe, Col. A. M. Waddell, Mr. James Sprunt, Mr. A. M. Hooper, Mr. J. G. Burr and others. It is hoped that the material herein published will be appreciated by those who are interested in our past.

It may be useful to give a summary of the leading events connected with the beginnings of the peopling of the lower Cape Fear. The first attempt, by a company from Massachusetts, settling on the east side of the river, was soon abandoned. In 1665 Sir John Yeamans, of Barbadoes, under a grant from the Lords Proprietors of thirty-two miles square, induced a number of emigrants to fix their habitations at the mouth of Town Creek eight miles below Wilmington, and begin the building of a village, still known as "Old Town." After remaining six years they were all transferred to Charleston, between the rivers named in compliment to Earl Shaftesbury, the Ashley and the Cooper.

Colonel Maurice Moore, the grandson of Sir John Yeamans, and the son of Governor James Moore, who assisted in sup-

pressing the Indian insurrection, first fixed his residence in the Albemarle section. In 1723 he induced a number of his kinsfolks and connections to make their homes with him on the Cape Fear. Among them were his brothers Nathaniel, and another, on account of his wealth and style and imperious dealing with the Indians, known as King Roger Moore.

In prospecting for a site for a town Colonel Moore concluded to locate it sixteen miles below what is now Wilmington, giving 320 acres for the purpose. "King Roger" added to it. A charter was granted by the General Assembly in 1745. It had the advantage of a good depth of water in front, inviting however the occasional visits of pirates. In one of these piratical raids in 1748 the citizens made stout resistance, blowing up a vessel and capturing some property, afterwards given by the General Assembly to the churches of St. Philip at Brunswick and St. James at Wilmington. A painting of Christ shown to the multitude by Pilate is still in the vestry room of St. James.

In addition to its depth of water Brunswick had the advantage of being on the only road to South Carolina. As early as 1727 a public ferry across the river was authorized to be established by Cornelius Harnett, the father of a distinguished son of the Revolution. The fees, five shillings for a man and horse and half a crown for a person, seem reasonable. About one third should be deducted in order to reduce these amounts to sterling.

Although never having a large population the town had very eminent citizens, not excelled in intelligence, public spirit and hospitality by any in America, north or south. Living within the town or on neighboring plantations were, besides the Moores I have mentioned, and including George, the son of King Roger Moore, with his twenty-eight children, Cornelius Harnett, the Revolutionary patriot, Col. William Dry, Attorney Generals Archibald McLaine and Thomas McGuire, General Robert Howe, General James Moore, Judge Maurice Moore and the Judge's son, Alfred, afterwards

Attorney General and Judge of the Supreme Court of the United States, Governor Benjamin Smith, John Baptista Ashe, and his distinguished sons, John and Samuel, and many others. Governor Dobbs had a residence adjoining it, which was sold by his son to Governor William Tryon. It was here that Governor Gabriel Johnston took the oath of office. It was here that George III. was proclaimed in 1761 in the presence of Governor Dobbs and his council and a number of the men of the neighborhood. It was here that by Colonel John Ashe and others Tryon was forced to surrender the stamp master, William Houston, who in his turn was forced to abandon his office. It was here that the British sloop of war, Diligence, was prevented from landing stamps, and the Collector of the Port, Pennington, then in the Governor's Mansion, compelled to resign his office. Brunswick too had the privilege of sending a member to the lower House of the General Assembly and was sometimes the place of meeting of that body in colonial days.

In Brunswick too are the remains of perhaps the most handsome church in colonial days, St. Philip, belonging to the Church of England. The walls still stand, nearly three feet thick, built about 1740 of English brick. It was nearly as large as modern North Carolina churches, 76½ feet long and 53¼ feet wide, with eleven windows and three large doors. During the recent war Fort Anderson enclosed the site of the old town, and although it suffered a terrific bombardment, the walls of the church remained intact, while havoc was made of some of the headstones in the old cemetery.

Several reasons for removal of Brunswick may be conjectured. Captain S. A. Ashe, in the introduction to the City Records of Wilmington, hereinafter found, gives a clear account of the beginnings of that city. I only state here that its site is higher and more healthy. It is more favorably situated for trade with the up-country. It was in the beginning of the Revolution less liable to attacks by British vessels. It was more convenient to the settlers above the

junction of the two branches of the Cape Fear, who were rapidly increasing in numbers and wealth.

I am particularly indebted for aid in the preparation of this Monograph to Mr. James Sprunt and Captain Samuel A'Court Ashe. Captain Ashe furnished many items of information concerning the section where his ancestors lived, in addition to the introduction and annotations to the Records of the Town of Wilmington.

KEMP P. BATTLE.

will be better understood by keeping clearly in mind its several members connected with North Carolina history.

1. Louis DeRosset, (1665-1775); Captain under Schomberg; married Gabrielle de Gondin. Their son

2. Armand DeRosset, (1695-1760); M. D. of Basle University; married a lady of Uzes in France; emigrated with wife and three children prior to 1735, and settled in Wilmington, North Carolina. Had two sons, the elder being

3. Louis Henry DeRosset, (1724-1786); Councillor of the Province; Lieutenant General (at that time a lower rank than Major General); merchant and planter; Tory; left the State 1778; married Margaret Walker; no issue.

4. Moses John DeRosset, (1726-1767); M. D.; mayor of Wilmington; married Mary Ivy, who after his death married Rev. Adam Boyd.

5. Armand John DeRosset, son of the preceding, (1767-1859); M. D.; married first Mary Fullerton, and secondly Catharine Fullerton, sister of Mary.

6. Moses John DeRosset, (1796-1826), son of preceding by his first wife; M. D.; married Sarah E. Waddell; no issue.

7. Armand John DeRosset, (1807-1897); son of Dr. A. J. DeRosset by his second wife; M. D., and then commission merchant; married first Eliza Jean Lord, and secondly Catherine M. Kennedy.

It thus appears that there has been a continuous residence in Wilmington from 1735 to 1903, one hundred and sixty eight years.

The following Medical Diploma to the first settler in the State is given in full as it will doubtless be interesting to scholars, especially college men.

DR. ARMAND DEROSSET.

Copy of the Diploma of the University of Basle, granted to Dr. Armand De Rosset.

SACROSANCTAE
ET INDIVIDUAE TRINITATIS
INVOCATO NUMINE

QUI PHILOSOPHUM DEI IMITATOREM ESSE PRONUNciant, duobus finibus humanae mentis cogitationes et actiones in universum circumscribunt, vero, bonoque, horum alterum Theoreticae, alterum Practicae vitae proprium est. Quibus tanquam alis ad arcem Beatitudinis alioqui inacessam mortales evadere posse, summi Philosophi censuerunt. Ex hoc fonte duplex sapientiae genus promanavit, contemplationis et actionis; ea quidem temperie mutua, ut omnis veri cognitio ad boni possessionem derivetur, et omnis vicissim boni possessio ad cognitionem veri dirigatur. Quod si quae tales sunt vel Artes vel Scientiae in quibus utraque vis luculenter sese exerit, illae demum et per se quia verae sunt, bonaeque, hoc est honestae, et propter aliud, quia jucundae sunt et utiles expeti consueverunt et commendari. Ejus autem generis inter caeteras optimarum Artium propagines Medicinam vel imprimis esse, nemo sanae mentis negarit; Quae cum Theoriae sual praestantia Philosophis, praxeos utilitate heroibus digna videatur, ut ortu suo Deorum inventum, sic cultu olim Asclepiadarum propria fuit habita, qui Artem pulcerrimam a Majoribus veluti per manus traditam et acroamatum Doctrina propagarunt, operumque assiduitate confirmarunt. Posteaquam vero in quasdam veluti colonias Asclepiadae sunt deducti; Artis quoque Mysteria peregrinis et Exotericis hominibus, ut non genere virtute saltem et eruditione Aesculapii posteritatem referentibus communicari cepere: atque adeo ne abusus Divinae Arti calumniam, mortalium generi perniciem afferet, Ornamenta et Privilegia publica, iis, qui eam vel docere vel exercere conarentur, censura et authoritate eorum, qui de profectu cujusque judicare possunt, solennibus conferenda ceremoniis decreta fuere: non tanquam praemia virtutis, sed tanquam Testimonia eruditionis et invitamenta. Hinc seculorum omnium mirificum consensum Basilienses quoque Medici imitaturi, literas hasce publicas privatae virtutis Testes et judices legitime exarandas curavere. Nam cum Nobilissimus et Doctissimus Dominus ARMANDUS DE ROSSET honesto loco sed et thoro legitimo

Uzetiae in Gallia Narbonensi natus in celeberrimis Angliae et Belgii Academiis tantos in sacra Medicina fecerit progressus, ut ad ejusdem praxin cum salute mortalium admitti posse videretur; Dignus fuit judicatus, ut ad summum in Arte Medica gradum admitteretur et Doctoris Titulo ornaretur. Itaque ad Diem III. Decembris MDCCXX. postquam fidem suam Collegio Medico per Mandatarium Dn. Joh. Jacobum Sontag Notarium speciali Mandato ad hoc ab ipso instructo sicuti veros decet Asclepiadas jurisjurandi religione interposita obstrinxisset: Reverentissimi Principis ac Domini Dni. Joannis Conradi Basiliensis Episcopi, Academiae Cancellarii, sub Rectoratu Magnifici viri Dni. Joannis Buxtorfii Ling. Hebr. Professoris meritissimi, Decano vero viro Spectatissimo atque Excellentissimo Dn. Ioh. Henrico Stehelio Med. Doctor^e^. Anat. et Botan. Prof^re^. in Medicam Civitatem receptus; atque Doctor Medicinae fuit creatus, tenoreque harum Literarum heic et ubique pro tali haberi et salutari jubetur; simulque exercendae Medicinae, aegros visitandi, deque Morbis consultandi potestatem amplissimam, cum Privilegiis insuper et Immunitatibus omnibus quibus Doctores Medici heic et ubivis terrarum frui et gaudere solent, ab Ordine nostro Medico decenter consecutus est.

Id ipsum Decanus et Assessores Collegii Medici publicis hisce Literis Medico Sigillo approbatis et vice Cancellarii, Scribaeque Academici manu confirmatis sicuti viros inter bonos bene agier testatum fecere. Actum Basileae Rauracorum ad Diem III. mensis Decembris Anno redempti orbis Millesimo Septingentesimo vigesimo.

Joh. Georgius Schatzmannus,
Imperiali authoritate et Academiae
Basil. Notarius Juratus.

Ioh. Henricus Stehelius, M. D.
Anat: & Botan: Prof: Publ: p. t. Decanus.

Note.—Basle, now Basel, is on the Rhine between Strasburg and Berne. Its university, founded in 1460, was once one of the greatest institutions in Europe, Erasmus and Euler being professors.

Doctor Armand De Rosset was the child of Captain Lewis De Rosset, born in London. He married in Switzerland a lady of Uzes, (once Ucetia) lived for awhile in Montpelier, where two of his children, Gabrielle and Louis Henry were born, then removed to London, where his son, Moses John, was born

and thence emigrated to the Cape Fear about 1735. He settled in Wilmington, then New Liverpool, and became a leader at once, the trusted physician of the community, serving also as Justice of the Peace and Commissioner of the town. He became a considerable holder of real estate. His home was on Second Street, since the residence of Dr. James F. McRee, the elder, said to have been once occupied by William Hooper, "the Signer." Dr. DeRosset's wife died in 1746 and five years afterward he married Elizabeth Catherine Bridgen, a native of Bristol, England, a friend of the Burgwyn family. She was of a masculine character; survived him many years. He died in 1760.

By his Huguenot wife he had a daughter, Gabrielle, who married John DuBois and left many descendants. The elder son was Louis Henry DeRosset, described in Dr. A. J. DeRosset's autobiography. His second son was Moses John De Rosset, who became a physician of extensive practice. He was also a public spirited citizen, serving as an officer in the regiment of Colonel James Innes, which was sent to Virginia to fight the French and Indians. He was also mayor of Wilmington and as such joined in the resistance to the stamp tax. A sentence in one of his letters to a British officer has been much admired: "Moderation ceases to be a virtue when the liberty of the British subject is in danger." He did not live to participate in the Revolution, dying on Christmas day, 1767, within two days of his 41st birthday.

Although Dr. Armand DeRosset's father did not come to America, the following papers, the originals of which belong to the DeRosset family, showing that Captain Louis DeRosset, under the great Schomberg, aided in the consummation of the Revolution of 1688, must be interesting to the reader.

CAPTAIN LOUIS DEROSSET.

Copy of Furlough to Louis DeRosset, signed by the Duke of Schomberg.

"FREDERIC,

[1] Duke of Schonberg, Marquess of Harwich, Earl of Brentford, and Baron Teyes, Captain General of all His Majestie's

Armies and Land Forces, Garrisons, Forts and Castles in the Kingdom of England, Scotland, and Ireland, &c. Master General of Their Majesties Ordnance, One of His Majesty's most Honorable Privy Council, and Knight of the most Noble Order of the Garter, Count of the Holy Empire and Mertoela, Grandee of Portugall, General of the Elector of Brandenbourgs Forces, Stadtholder of Prussia, &c.

To all Admirals, Vice Admirals, Captains and Commanders of Ships, Governors of Forts and Castles, Sheriffs, Mayors, Justices of the Peace, Constables, Customers, Comptrollers, Searchers, and other His Majesties Officers, whom it may concern, Greeting: These are in his Majesties Name, to Pray and require you to Permit and Suffer the Bearer here of De Rossett Captn. in the Regiment of Foot commanded by Colonell la Calimotte, wth. one servant, Freely and Quietly to Pass from Lisburne to England for the recovery of his health, and to return without any Lett, Hindrance, or Molestation whatsoever. Given at our Head Quarters at Lisburne the sixth day of January 1789 in the first year of Their Majesties Reign. SCHONBERG."

"By the Genls. Command
Js. de Cardonnet."

Extracts from Commissions issued by the British Government to [2] Louis DeRosset:

"William R."

"William and Mary by the grace of God &c. ——— to our well beloved and trusted Louis de Rossett, Esqr. greeting. We &c. ——— constitute and appoint you to be captain of the company whereof Captain at Grenadier Roue de la Foncille was Captain in the Regiment of Foot commanded by ——— Colonel de la Caillemotte &c."

By His Majesty's Command
[3] Shrewsbury."

"Dated Apr. 1st, 1689, in the first
year of our reign."

A commission similar to the foregoing, appointing the same Louis DeRosset, "gentleman," Captain of the Company in the Regiment of Foot, commanded by Major General la Meloniere, whereof Captain Dupuy was Captain, dated October 18th, 1697, "in the 9th year of our reign,

By His Majesty's Command,
William Blathwait."

[1] Frederic Armand, Duke of Schomberg, after winning celebrity in the Armies of France, became Minister of State, under the Elector of Brandenburg. He then took service under William III. of England, was created a peer, made Knight of the Garter, and obtained a grant of £100,000—was killed at the Battle of the Boyne, July 1, 1790. Lisburne is in Ireland about ten miles southwest of Belfast. The name of Dr. Armand DeRosset suggests a possible relationship between his family and that of the Duke.

[2] Louis de Rosset, born about 1645, son of Louis DeRosset, docteur en droits, and Lady Catherine de Moyeur of Uzes in South France. He married the Lady Gabrielle de Goudin, the marriage contract being still in possession of the DeRosset family. The marriage was said to be "for the glory of God and for the increase of the human race." He left France on the Revocation and took service with his compatriot, the Duke of Schomberg, under King William. The passport of Schomberg brings to mind the historical fact of the loss of one half his army by sickness contracted in the marshes of Dundalk. Captain DeRosset was naturalized in England in 1708 and died in 1725. A friendly letter to him from Marshall Saxe shows that he was highly regarded by the great men of the period.

[3] Charles Talbot, Duke of Shrewsbury, Lord Chamberlain, Viceroy of Ireland, and High Treasurer—died 1717. He was descended from the celebrated John Talbot, Earl of Shrewsburg, in times of Henry V. and Henry VI.

COUNCILLOR DEROSSETT.

Copy of commission to Lewis Henry DeRosset, appointing him a member of the council under Governor Dobbs.

By their Excellencies the Lord Justices.

Tho: Cantuar: Granville P. Gower C P S

Marlborough. Anson.

We being well satisfied of the loyalty, integrity and ability of Lewis de Rosset junior Esqr. do hereby in His Majesty's name direct & require you forthwith upon the receipt of here-

of to swear and admit him the said de Rossett junior to be one of his Majesty's Council in His Majesty's Province of North Carolina, in the room of William Forbes Esq. deceased, and for so doing this shall be your Warrant.

Given at Whitehall the tenth day of June 1759 in the twenty-fifth year of His Majesty's Reign.

By their Excellencies Command
Claudius Amgard.

Seal with two roses.
Three Excise Stamps, 11 Shilling
and VI. pence each.

To Gabriel Johnson Esqr. His Majesty's
Governor of the Province of North Carolina
in America. And in his absence, to the Commander
in chief or to the President of his Majesty's
Council of the said Province for the time
being.
Lewis de Rosset Junior, Esqr. to be of the Council in No. Carolina.

Petition of Lewis Henry DeRosset for Indemnity for Property Lost in the Revolution.

To The Honble. the Commissioners for the examining into the case of the American Sufferers—

The Memorial of Lewis Henry de Rosset late of North Carolina Humbly Sheweth That your Memorialist was sworn in a member of his Majesties Honble. Council for said Province in the year 1752, and continued in that station until the late Rebellion there put an end to his Majesty's Government in North Carolina, and he begs leave to refer to the Certificate of their Excellcs. Genl. Tryon and Govr. Martin, the last two Governors of that Province, for the manner in which he behaved himself in that station, and in general for his conduct as a faithful & loyal subject.

That your Memorialist from the first took an open and Decided part in favour of the King's Government—

That in 1779 your memorialist was called upon in consequence of an act passed by the usurped Government to renounce his allegiance, and take the Oaths to them, and on refusal of which all persons so refusing were banished from the Province, on the pain of death if they returned; But your memorialist cheerfully preferring his Duty to God and his Sovereign refused to take the Oaths—

In consequence of a clause in the said act permitting persons so banished to sell or carry off their Estates or Effects, or leave them subject to confiscation, your memoralist under these disastrous circumstances was compelled to dispose of his Estate, in such manner as he imagined might best tend to His and His Family's support, and accordingly sold a great part of His Estate at whatsoever he could get (Which in his distrest situation must have been much under the real value) and with the money arising therefrom, he purchased a vessel, that he fitted out at a great expense, and loaded with Tobacco, Indigo and Staves and sailed from Cape Fear River the last day of April 1779 with an intent to proceed to England where, from every information, the said Vessel and Cargoe must have produced above eight thousand pounds Sterling—The remainder of his Estate consisting of some lands, Slaves, Money, Debts, and other effects, to the amount of above two thousand Pounds Sterling more he left in the hands, of persons he could confide in for the support of his wife, whom he was obliged to leave behind him—

That your memorialist on his Voyage was on the American coast three times captured, the last time by an American Privateer, and carried into New London, where he was deprived of his vessel and every thing he had on board, and sent thus plundered and stripped to New York, so that a total loss of that part of his Estate was the consequence of his refusing to renounce his Rights and Allegiance as a British subject—

That after your memorialist arrived in New York, he there waited till Genl. Clinton sailed to South Carolina, when he went in the same fleet, and soon after the taking of Charleston was, through the recommendation of Genl. Tryon and Govr. Martin appointed in May 1780 by Genl. Clinton the principal Commissary of prisoners at that place, in which situation he remained until the evacuation of Charleston took place, when he had no other resource but to come with the Fleet to England.

That your memorialist begs leave to inform you, that great part of the interest he left for the support of his wife in the hands of Confidential Friends in North Carolina, has been greatly pillaged and plundered, and that a person in whose hands he left a considerable sum of money has so much suffered by persecution, that it is hardly possible he can get repayment thereof—Thus that part of his Estate he left in North Carolina he can get but little of—

Thus situated after a loss altogether of at least ten thous-

and Pounds Sterling, your memorialist finds himself destitute of all means of support and provision.—

Your memorialist therefore humbly begs leave to submit himself and his case to your Honors Consideration in full confidence that you will be pleased to recommend him for such relief and support as he may appear entitled to.

And your memorialist as ever in duty bound shall ever pray.—

J A Lewis De Rosset.

No. 1.

(Attached to the above document are the following papers.)

I have read the annexed memorial of Mr. De Rosset, who was well known to me during the six or seven years I was Governor of the Province of North Carolina, and whom I have since seen in New York as mentioned in his memorial, and I have the pleasure of certifying that from the intimate knowledge I have of him, the integrity of his principles both in public and private life, and in the full trial I have had of his loyalty and attachment to his Majesty's Government, I have no doubt but that the several matters and Facts set forth in the memorial are strictly just and true. I must further add in justice to the opinion I entertain of the singular worth & merit of Mr. De Rosset, that I believe no man has a more equitable & honorable claim than himself to the favor and consideration of Government as a Loyal American Sufferer, and as such, he has my fullest and warmest Recommendation.

Given under my hand in Upper Grosvenor Street the 28th day of February 1783.

J A Wm. Tryon.

No. 2.

Having perused the memorial annexed of Mr. Lewis Henry DeRosset, I have no scruple to declare that I consider it a very modest representation of his case although I cannot take it upon myself to judge of his loss of property as I can of his loyalty and sufferings. I have the fullest persuasion from the general integrity of his character, that his estimate is strictly just and honorable; as was all his conduct in public and private life, as far as my knowledge goes, and in all report of the country in which he passed the greater part of his life.

Borne down by misfortune brought upon him by a virtuous

attachment to his majesty and the British Constitution at an advanced age, he seems to me a Gentleman most highly deserving of the favor and consideration of government; and as such has my sincerest and warmest recommendation.

Jo. Martin.

New Norfolk Street,
March 1st, 1783.

The following letter, though not signed, is doubtless from Honorable Louis Henry DeRosset.

"London August 17th, 1785.

Mr. James Walker, at Wilmington on Cape Fear North Carolina.

Dear Sir:—I want words to express to you my feelings on the receipt of your letter of the 24th January informing me of the unexpected death of my dearly beloved wife. You can better conceive than words can convey the bitter anguish of my soul on the mournful information. The more unexpected the more poignant I felt the force of the fatal stroke that deprived me of the best of Wives whose tender affection I had experienced in every circumstance of life. To say she was the faithful friend, the chaste Wife, the cheerful companion and that her honest heart was an enemy to deceit would not deal justice to her great merit; but possessed of these and all the other virtues which from long experience I knew she possessed in an eminent degree had so endeared her to me that I fully enjoyed every conjugal felicity for thirty years that I had the happiness to be with her, and when I was forced to leave her separation was cruel and the unhappy days that I have spent since that time, a continued scene of trouble and confusion. Nor could I have a prospect of happiness until we could have met together in Peace and Quietness, and for this purpose it was that I applied to obtain half pay in order to have been able to support her with some degree of decency though not with affluence I could have wished for, but I knew that through her prudent management we could have gone through life here in Peace and content, and I had just obtained the grant of half pay and only waited for an opportunity to advise her to take advantage of the summer season (when she might naturally expect a speedy and pleasant passage) to embark for England, when your letter per the Castor came to hand the 10th of April which at once put an end to all my pleasing expectations of returning happiness, and nothing but a horrid

gloomy prospect now succeeds to my flattering delusive hopes. Thus are we wretched mortals in this life ever subject to disappointments. It is my duty, as a Christian to submit to the Divine Dispensations, the draught is bitter but I must swallow it but I cannot say that I do so with resignation I ought. No my dear best friend, my faithful companion is gone and I shall ever whilst I have being lament my irreparable loss, neither time nor place can remove her dear image from my mind, there she is perpetually present and the only pleasure I enjoy is to think perpetually on her. I make no doubt but through the Merits and Mediation of our blessed Saviour she is received into the Mansions of eternal felicity and I pray God when he thinks proper to remove me from this transitory life I may there with her enjoy eternal happiness for ever and ever, Amen. I lament the affliction your mother must feel in the loss of her valuable Daughter and would gladly contribute everything in my power toward alleviating her grief. Pray remember to inform her that I bear with her the most cordial respect, and shall always remember her as the Mother of my Dearest Wife, be assured yourself and be pleased to assure Mrs. Quince that I shall ever retain the affection I had for my wife's nearest relations, and I sincerely thank you both for the attention paid to your deceased sister, and I am much obliged to you for your care in having her buried with proper Decency for no cost ought to have been spared to show the Esteem and Just regard due to her merit. I should be glad if possible to have my bones lain with hers when I die. On the 19th of last month I received your favor per Mr. McGuire. I should desire that what effects my Dear Wife left may be disposed of in the following manner: (There seems from the context that one sheet of the letter is missing for the other side of the single sheet of foolscap begins thus:) The general matters you mention; I saw Mr Kensington at his own house. He informed me that the proceeds of the cargo of the Castor did not neat but between three and four hundred pounds & a loss of course must ensue that no profits that can be made on goods from hence can compensate. He told me that a great deal of the indigo was very bad, Naval stores low and no bounty given it was not an article that would bear freight, the only that answered were the reeds for that I imagine the best would be to purchase goods of (illegible) the country to be paid there. And indeed credit to America is very low here, the Merchants not choosing to trust their property where they are not sure of recovering their debts. If there

was a Commercial treaty agreed upon between the Kingdom and the American States perhaps Credit might in some measure be restored, but I am apt to believe it would be with much caution for many traders from here have been by their American connections ruined. Mr Kington (Kensington) told me that the Susannah which had lately arrived was unloading and that he was directed by both Mr. John Quince and Mr. Gray to put her up to sale so that you will see her no more. He also informed me that the Guinea Scheme was at an end a vessel intended for that trade and to have been sent to your house was ordered to be sold and nothing further would be done in that matter. As Mr. Eyves is dead I have not had an opportunity of knowing what agreement he had made with Mr. Quince, all that I could find was that he was to have been concerned. I think you can have no expectation of any Guinea men. And as I suppose you will receive letters from Messrs. Kensington and Cinningham you will have fuller information in all the matters.

I should be glad to have a copy of Mrs. DeRosset's will. Mr. Pridgen cannot find the one you sent him. I cannot tell where to fix a residence in my distressed situation. Had it pleased the Almighty to have prolonged the life of my Dear and Faithful friend the darling of my soul I could have been happy with her in a Cottage but without her a palace would have no charms. God knows what will become of me all I can say at present is I shall stay about this City until I have a hearing from the Commissioner of Compensation for my Losses. In the meantime therefore till I say direct your letters to me to the care of Messrs. Pridgen & Walker in Lovell Court Pater Noster Row, and pray let me hear from you as often and as fully as you can. Remember me with the sincerest affection to your Marie, your good sister Quince, your Wife your Son and all connections. I congratulate you on the birth of your daughter, and hope she will be worthy imitator of the virtues of her Dear Dear Aunt. Adieu at present and be assured that I shall always retain the warmest regard for all my wife's relations and that I am with sincere esteem, Dr. Sir Yrs.: c.

Gov. Martin some days ago desired me to forward a meml. for Mr. Willett who lives about Lockwoods Folly relative to an Orphan a niece of his whose Father died at New York & the Gov. took charge of her. Inclosed I send the meml. & pray oblige me so far as to have it safely delivered to Mr. Willett that he may give directions about the matter.

Note.—The following facts show that Louis Henry DeRosset was an useful and prominent citizen. He was watchful for the interests of Wilmington and St. James' Church as well as the Colony. He was a member of the lower House of the General Assembly in 1751; was chairman of public accounts for years and a Justice of the Peace. He was member of the Council from 1752 to the Revolution. In 1754 he was commissioner for preparing and emitting £40,000 proclamation money. He was also Receiver General of the King's quit rents, but resigned the office in 1761. As showing the variety of his activity for the public good I state some of the measures he introduced. For leave to build St. James' Church, also one at Brunswick; regulating exports of the Cape Fear; appointing inspectors; a petition for the establishment of a post office in the Province; to establish quarantine. He was Adjutant General on General Waddell's staff in 1771 and Lieutenant General under Tryon in 1768.

Councillor DeRosset was a merchant and accumulated a handsome fortune. Part of it he invested in a plantation on the north east bank of the Cape Fear, about eight miles above Wilmington, called Red Banks, now Rose Hill.

It is not certainly known whether his application to the British government for relief was successful, but as his administrator, with will annexed, Thomas Younger, attorney for James Walker, Armand John DeRosset and Armand John DuBois, was required to give a bond for nearly $50,000 it seems probable. However very little was realized by their nephews. Either his property was overestimated or there was fraud somewhere.

There is a probable tradition in the family that the French government under Louis XVI. offered him the restoration of his titles and estates if he would return and enter the Roman Church, which offer was promptly refused.

He died without issue in 1786, his wife having preceded him one year. They never met after his enforced emigration in 1779.

[1] LETTER FROM MRS. ELIZABETH CATHERINE DEROSSET (WIFE—2ND—OF DR. ARMAND DE ROSSET) TO MR. JOHN BURGWYN.

Chinese Temple, Aug. 25th, 1775.

——— I wrote you the other day by one Capt. Arthur. He intended sailing for London; but [2] Mr. Hogg sent him to Plymouth. I gave him a packet to my brother. I enclosed your letter (open) to Mr. B. and begged him to direct it to you, wherever you were—in London, Bristol or Bath. Whither the man has gone I cannot say, as I think he had not fair mind. I wrote to no one else, but you and my brother; but by this conveyance I shall write to everybody, as the Lord only knows when an opportunity will be given again; and it seems to me as if I were taking my last leave of you all.

[3] Mr. Grayham has got the fever and ague; but is now taking bark like [4] Mr. Burgwyn himself. How does the lame leg do? Is it easy—is it strong—is it so civil as to let you bear your weight on it? is it glad it is in the Great Beehive? We have very little sickness as yet amongst us, and no deaths ——Mr. John Quince, 'tis generally thought, has a church-yard cough; and soon will go the way of all flesh. I think he has been going the last fifteen years. The Court of Admiralty, I mentioned last week was held in Brunswick (not at the fort). The man gave £300, for his condemned vessel the thing was too plain to make a dispute. The Governor is still on the man-of-war, and Mr. Hassel, his Lieutenant, sticks by him. They have intercepted many of his letters and memorials, and set about to induce the Back-Country people to take up arms. But his conduct, has been, 'tis said, so extraordinary, that it has united the people, and has had quite a different effect from what he intended; and all the Companies, that were at variance with one another, now muster together, and are very friendly (or very deceitful). The Artillery Company join the Independents, and they perform their exercises together—this is what the gentlemen tell me, and I must always depend on some of them for intelligence. [5] Capt. McLaine (who by the by is an Ensign) is going to carry himself and his wife up the N. West. He speaks such things as are disagreeable to the people, and his friends, I believe, wish him gone. Mr. Hogg tells me that the people of Bogue did not use him ill, only some fellows upon the road were impertinent to him. I don't know if you will thank me for these *scraps* of *intelligence*; but, I would if I were in your place.

It is thought Mr. Nelson's suit at Point Pleasant will end in matrimony—by his frequent stay there. For as Bevill (In Conscious Lover) says—'A denial is a favor every man may pretend to, and if a Lady would do honor to herself, she should never keep a gentlemen in suspense, if she knows she can't like him.'

As Miss ——— appears to be sweet, innocent young creature, I think she won't seem to encourage what she disapproves, and she is too sensible to trifle away his time without approbation. In general people in love look mighty silly; but I do assure you Mr. Nelson is more chatty and agreeable than ever—even before his mistress. I should not wonder if Fanny loved him. Do you remember how you looked when you were in love? Nay, do not give such a sigh, or I will never speak to you again of the Ladies of [6] Cedar Grove: They are all well—as much yours as ever, even little Fanny. Tho' they are still in town, and, I believe, have no great news, I do not like just now to be so far from the seat of intelligence: there everything is talked of, there everything is first known, and they could neither hear nor see what's doing. 'Tis thought that Capt. Collett is gone on his to bring in soldiers, and that Brunswick will be their destination; and that, on his arrival, the Governor will set up his standard there. That will be the first fruits of the *burning of the fort.* The second chapter, I presume, will be something of the same kind; but as yet it is in embryo. This is publickly talked of, and some things about it have transpired. Then we shall see who and who's together—whether it rains or is fair weather. We have prodigious crops of wheat this year, better never known in the memory of men. The corn will, also, be very fine, if these deluges of rain do not spoil it. Give my love to the two little [7] boys if you are near them. —— Mr. John Boyd, Adam Boyd's brother, talks of becoming a resident of this place, it these American affairs be settled: he goes to Plymouth, but talks of going to London, himself: he is a sensible man.—— They have made an addition of twenty men to the town watch and guard, not of men that are paid, but gentlemen and tradesmen. The weather has been very bad and some of them grumble a little, but still they do it. You can't conceive of how quiet everything is in the night—no robbing of the stores —every negro at home in his bed, and not half the drunkenness there used to be. So far, so good. Mrs. Thos. Hooper bro't to bed, and her child dead. Mrs. Jackson Walker has been carried to Mr Harnett's house by Dr. Ceikie. Mr. Lord

of Brunswick talks of taking that just left by Mrs. Walker. Indeed most of the Brunswick people, they say, talk of coming up here soon, if the soldiers come in with [8] Collet. Lord knows what will become of us. Mrs. Humphreys has her health extremely well. Mr. H. says but little, but I believe makes it up with thinking. People can't be hanged for that you know. Old Father Time, however, will discover everybody's thoughts. I beg of you to eat some fine English peaches for me, this summer, if it be not too late; and then tell me if they are not as good as the American. 'Tis a point I can't give up. If you should see a remarkably old lady by the name of Willoughby, in Bristol, a widow, pray present her my best respects. She is truly worth everybody's esteem. My own sister will be quite out of the way. She lives in Worchestershire. I dare say you, with a lame leg, will not think of going there. —— May Almighty God hold you in his true keeping, prays

Yr. truly aff. friend & Sir yr. obdt. servt,
Eliz. Cath. De Rosset.

[1] This lady was a native of Bristol, England, and daughter of Samuel Bridgen, of Ludlow Castle, New Hanover, North Carolina. She was the second wife of D. Armand de Rosset, the M. D. of Basle, they having been married in 1751. She was doubtless much younger than he; was of a masculine character and dominated all around her. She was an ardent Tory. She lived on her plantation called Chinese Temple, adjoining the Hermitage, which belonged to the Burgwyns, with whom she had been friends in Bristol. Her death occurred at the summer home at Masonboro, of fever, 1778.

[2] Robert and John Hogg were merchants of Wilmington. James Hogg was a cousin, a citizen of Fayetteville and then of Hillsboro. He was an active patriot. Mr. de Rosset evidently thought that the "Mr. Hogg" about whom she wrote was trying to "hold with the hare and run with the hounds."

[3] Mr. Grayham seems to have been a manager for Mr. Burgwyn.

[4] Mr. John Burgwyn emigrated from Bristol, England. He was a merchant and planter, had branch mercantile establish-

ments in Bristol and London. His plantation near Wilmington was called the Hermitage. He was for awhile Treasurer of the Province. His integrity and accuracy were so well known that he was chosen to report on its financial condition, even the Regulators, who thought the people cheated by the Sheriff, avowing their willingness to accept his statement. His first wife, Mary Haynes of "Castle Haynes," near Wilmington, died childless, and he then married Miss Bush, of Bristol. From them is a numerous posterity. He was naturally a Tory and lost much in consequence. His town residence, opposite St. James Church, was Cornwallis' headquarters. He died in 1803 and is buried in Wilmington. His son of the same name died in Raliegh in 1864, 82 years old. He married Eunice, daughter of the celebrated Jonathan Edwards. Among their grandsons are Col. H. P. Burgwyn, killed at Gettysburg and Col. W. H. S. Burgwyn, President of the Bank of Weldon, a Captain in the Confederate army. It is said that Burgwyn is another form of Burgoyne.

[5] Archibald McLaine, of Brunswick, was an able lawyer and member of the State Congress of 1775 and 1776, and of the Senate and of the Convention of 1778. He was noted for his sharp tongue. George Hooper married his daughter, and one of his descendants was the learned and estimable, John de Berniere Hooper, Professor in this University.

[6] The country-seat of the DeRossets, about eight miles north of Wilmington.

[7] Children of Gen. Hugh Waddell, and words of Mr. Burgwyn.

[8] Collett was commander of Fort Johnston when it was burned. Fort Johnston was near the mouth of the Cape Fear.

Mrs. Elizabeth Catherine ReRosset to Mr. John Burgwyn.

Mr. John Burgwynn,
London.

Chinese Temple, Sept. 10th, 1775.

This I fear will be my *very last* for a long time.——
I ventured some days ago to give Mr. Grayham some advice

about your corn-field. You must know that a violent storm ushered in the month of September: it lasted a whole night and a part of next day: it began at East and came around to N. East with great violence. The fine promising crops of corn are all down within a half a foot of the ground. Now that my experience has taught me that the weight of the tops helps greatly to bend it down, I advised Mr. Grayham to cut them off, and told him that the corn would soon right itself. He said, what fodder he got was ruined and the Hermitage half under water, all the bridges carried off, and he was obliged to go to Castle Hayne by water—the roads everywhere almost impassible. This storm was a great hindrance to vessels loading, and they are not to (be) brought up again perigers* sinking and running on shore—three poor sailors drowned—no negroes lost, tho' many were in danger.——The committee talked of permitting the shipping, Monday and Tuesday, to finish their loading, because they shan't work Sunday, it being the 10th. Who more religious than our Wilmington folk? Mr. Hays goes to the West Indies; he will remain their till he is permitted to return.—Perhaps you will be surprised to hear Mr. Hogg is in England. He was one of your *non-conformed to the times*, and so made off. He first attempted it at Bogue; but they would not let him go. He then came home; mustered with the rest upon the hill; but took his opportunity, when Capt. Arthur was ready, to go. 'Tis said that he carries the Governor's dispatches. I begin to think your broken leg WAS NOT ALTOGETHER SO UNLUCKY JUST NOW. Had you been here, you must have *declared* yourself of one party or the other: you must have taken your turn on the watch: and, you must have mustered. Your property would have been insecure. As it is the case is otherwise. You are one of your [illegible] now. You cannot conform to anything because you are. incapable. No one will be so cruel as to have the property of an infirm man, who was drove home by a dreadful accident to get cured. I think I could plead very well in such a case as yours. My gouty foot is better, and presents its compliments to your lame one. Would you change complaints with me? Col. Howe says he would not. All the world is at Hillsboro, and nothing they have done, has as yet transpired. I can give you no information. 'Tis thought they intend to raise two thousand men upon pay; and you will come in for your quota of the expense, though in

*A large undecked boat or lighter with mast and sail.

England; and so must poor I, though their laws have already taken from me £96 per annum in the one article of cooperage; besides the loss they will occasion in the hire of my other servants, which will lessen with the distress of the place—and I shall have no resource of any kind. Still I have my resolution to bring my mind to my *interest*, if they will but leave the little house over my head, and not frighten me out of my senses.—Things must go a great length before I fly my own house, as the moment I do so, I presume, it might be pillaged. I forgot to tell you in its place, as I designed, that Mr. Hogg has been up again to Town, and has wrote a very genteel letter to Mr. Hooper: he has left a hundred pounds sterling for the use of the public. Mr. Hogg is a very clever gentleman, and may now carry as many dispatches as he pleases. And now let me whisper in your ear: it is a matter of wonder that Mr. Burgwynn had not done some such thing before he left, or left orders to have it done. I assure you this was no bad policy in Mr Hogg: It will most effectually secure his property; and retrieve what he had lost with the public.

Mr. Tom Hooper has lost his wife: he has come to live in my neighborhood at Mr. John Moor's. Mrs. George—of that name—(Enceinte) again. Your friends at the lodge are well; but so distant I never see them—now and then the Dr. calls and drinks small beer with me. Poor London looks mightily down upon the times but don't speak.

Yrs. &c.,
E. C. De Rosset.

Mr. J. Burgwyn, London.

(Fragment of a letter, without date.)

Such great events have certainly had the hand of God in them, to bring about His own wise determination. I firmly believe, that. happen what will, all is designed by God's good providence for the benefit of the *whole*, in some future age of the world, tho' at present an injury to individuals. And what am I? or what my father's house that I should be exempt from suffering? I stand or fall with the hermitage, so help me God: (as far as I can judge of myself), but, indeed I am no coward, I never knew how much before this trial. I never wished to be a man, before last month. Dr. Cobham wishes me to be a woman. Had it not been for my *cowardice*, I would have gone straight to Castle Haynes to live; but a thousand fears arose from being quite alone in the country. *The other*

day 200 Regulators (as they call them) came down as far as Beauford's Bridge, in order to make the merchants (and especially Jack Moore) sell their goods cheaper. Mr. Moore went to meet them and conferred with them, and, I suppose, pacified them.

They returned home again. I assure you these are the folks I stand most in dread of. I hear that the county has come to a resolution, that if the Governor, men of war, or King's troops, destroy Town, houses or private property, and spare the effects of the King's Officers and Servants, not a house (of the Royalists) shall be left standing. So perhaps I will have the fate of the fish that jump out of the fryingpan into the fire.—Mr. Tom Hooper went to Scotland, in the vessel with Miss Shaw and Miss Rutherford, on his way to England. What a strange medley of a letter is mine: 'Tis such a hotchpotch of stuff, that it resembles either an olio or a haggis. Call it what you please. I have a perfect apothecary's shop in your closet. Mr. Grayham says I shall be Doctor, and he my mate; so if your negroes are not killed it will not be our fault. He wished to give Mrs. Grayham an *honorable* post *under us*; but I could not think of degrading a lady who had been so extremely civil to me—besides she is much too tall for such an office. Mr. G. is so good as to let me use my own linen; and 'tis washed by my own servants. Tho' I don't break your family rules, I drink a dish of tea in my own chamber every morning. Tea! say you! I do have tea! Yes truly, I do! You must know Sir—whether from the sympathies of the times or not? I can't say—but, certainly, on the 10th of Sept. I was taken very sick; indeed, not only looked so but, was very ill. I thought if I could drink tea, I should recover much sooner; but, as I did not choose to do this in private, I asked leave of the Committee, and they gave me a very gracious permission in the consideration of my age and infirmities. ——If I keep house, it will hurt me excessively to live in such a hospitable neighborhood as this, and not be able to ask them to take dinner with me.

Yrs. &c.,
E. C. De Rosset.

Mr. John Burgwynn, London."

[1] This letter was written from the Hermitage, the seat of Mr. Burgwyn. Castle Haynes, the seat of General Hugh Waddell, is in sight.

Although much of the following letters is of a private nature, they are printed because of the prominence of the writer in stormy days. Rev. Adam Boyd came to Wilmington from Pennsylvania prior to the Revolution and was editor of the *Cape Fear Mercury*. During the war he was a chaplain of the patriot army, a member of the Committee of Safety of Wilmington, and of the Committee of Correspondence with Harnett and others. He acted as Rector of St. James' Church. His letters throw light on the distressful condition of ministers of the Gospel after the war, especially of those of the Protestant Episcopal Church, who suffered from the intense hostility to the Church of England.

Augusta, Ga., April 1798.

My dear John,

——And now I am on the subject of self, wonderful appears to me, the events that have occurred in this place. Last year I was determined on leaving, and this year the same. Now I am not able to travel; but if I were, it appears improper. The regard with which I am treated, and the provision made for my support appear, with many other circumstances, as if Providence had designed this for my charge. The provision is not what it should be; but, it is nearly twice as much as it has yet been, except part of last year. These, and such things attach me to the place (in a moral view). And yet, after all, my heart breathes many a sigh for Wilmington. * * In Wilmington I could not breathe. Had I continued there, I have no doubt, but, that the grave would have closed over me long ago. Here, I have escaped gout, asthma, and much of a cough, which, there, used to harass me alternately. Besides in my professional character, I think I have been more useful here, than I could have been there. With respect to money, much the same I suppose, except in this. The non-payment of the Parish would not have distressed me as it does here. I have been in real want of clothing and, as to board, I live chiefly at others' tables. In this distress I attempted to relieve myself by selling certificates at about one fourth of their value. I was cheated out of the whole. I got lots, then in demand; but it soon appeared that the whole was mortgaged to the public. My certificates funded about £1000 and I lost all. The man went away and died, a bankrupt. A friend of mine was on his return to Ireland, so he

called to see me. Talking of my situation, he observed ——"you need not wish to be in better esteem than you are." All this increases my attachment. But still I wish to be with Maggy and you. * * Recollection fails me very often. I was always an absent man. * *

Yrs. affecty.

A. Boyd.

Feby. 8th, 1799.

My dear friend,

My strength returns so slowly, that I am not yet able to write you as I wish. Yet the mercies, which I enjoy, demand infinitely more thanks than I can give. I hope this little attempt at justice will please. If it be approved and engraved it will give me pleasure. Should it be thought to publish it, I submit. If published, below is a proper introduction. Hoping that heaven will regard us with an eye of mercy, I have much pleasure in thinking we shall meet again. I am extremely anxious to be amongst you. But I fear I shall not be able to breathe that air; and to be a burden to you would distress my mind. It is astonishing, weak tho' I be, almost a child, I am enabled to preach more to the satisfaction of the audience than I could four years ago, and with more satisfaction to myself. Adieu! The Almighty God in His great goodness preserve us all!

Affectionately yours,

A. Boyd.

This stone is consecrated
to the noble purpose of recording
Female Merit
which
for many years was known to the world
by the names
MARY DE ROSSET and MARY BOYD.
She was singularly attentive and useful
to the children of affliction.
In early life she was taught,
by an excellent mother,
the principles of the Christian religion.
By these principles
she governed her conversation and manners:
but in the latter part of her life,
her *patience* and her *faith*
had a severe exercise appointed them.

She was entirely deprived of that great blessing,
the power of seeing,
and was crippled by a stroke of the
Dead-Palsy.
In this afflicted and helpless condition,
she experienced the most faithful attentions
of her children and friends.
But the dutiful and affectionate assiduity
of an only daughter,
MRS. M. TOOMER,
was such that it admits
neither Eulogy nor Parallel.
Heaven pitying her affliction
sent His messenger
and
called her home.

(Perhaps it would look better this way)

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x x x x x x x x x x x x x
x   Sent His Messenger   x
x     and called her     x   I like the first better than
x         Home.          x   I did before I wrote the last.
x x x x x x x x x x x x x
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Blindness and pain no longer bring distress:
To light eternal raised in realms of Joy,
His praise, who purchased such ecstatic bliss,
Her tongue in transports ever shall employ.

Midst pleasures ever new, which ever flow,
Thro' endless ages that ne'er cease to roll,
Burning with Heavenly love, she'll ever glow,
And bliss unceasing still transport her soul.

In 1779 Mr. Boyd repulsed from the Communion Tables one whom he regarded as an adulteress. This act soon involved him in serious difficulties; and he withdrew from Augusta. Having first accepted an invitation to preach at a place not far below Augusta, he seized the opportunity to visit Tennessee, that he might look after the land granted him by Congress for his Revolutionary services.

Nashville, Tennessee, 18th April 1800

Dear Doctor,

Nothing can be said in opposition to your reason, and yet I feel the disappointment. My situation is singularly unfortun-

ate. I believe it the worse by the neglect of some cross-posts. I know four letters have been lost, that is, they have been six months and no account of them yet. This has made me ignorant of the things I should have known about my own affairs. I also believe, it is owing to some accident in that way that I have not had a little relief from Charleston.

I had hoped, from the benevolent exertion of a few, a sum to be refunded, but without interest. These disappointments will, I fear, compel me to accept terms, which will do little more than give presentrelief. A deception in the survey, will oblige me to begin a suit, or to petition your assembly. Both of these I dislike. Yet, it is too hard to lose so much, especially as my journey hither has been so unfortunate and expensive. However, I shall not repine, and hope to preserve such a sense of the goodness of God, as shall secure my mind that calmness, which is natural to a trust in *that Power*. Yet with grief and shame I confess I am not as tranquil as I was. Continual disappointments and losses, I now fear, have an influence I did not expect. If you knew all, or one-half, you would say, to be serene under such a mountain requires more strength of mind than is commonly the lot of man. Indeed, I do not think it attainable without *superior aid*. Perhaps I failed in this, in being too secure, or too confident in myself; the first I think the cause: as to the last I know I have no strength. I am too thoughtless in everything; hence, all, or nearly all, the evils of my chequered life. * * You know Fielding's Parson Adams. My sermon on Feby. 22nd was so well received, that a subscription was directly opened for its publication. But such triflers are our Printers, that I know not when I shall be able to publish it. The name of Washington may recommend it; but, such has been their negligence, that the time for selling is lost. The story is grown old and two courts have passed. I am afraid my dear Magdalen will suspect my affection for her. I did write her once; but I felt so much, I did not like to write her again. Her happiness is very dear to me. I have sent some little pieces of mine to Mrs. Wilkings, with design that Mrs. Toomer should have a copy if she desired it. Perhaps they may assist her meditations. My capacity for travel is not to be boasted of. A stiff inflexible knee, that deprives me of the use of one leg—a dislocated hip and a leg at least four inches shorter than Nature made it. So helpless too that I cannot put on my own clothes. I must go in a carriage; but into that I must be lifted. On my way hither, often did I descend

from my car to avoid jolts. But on crutches I cannot contend with the rocks, nor walk over them. So I shall get jolting enough for a life of one hundred years. The worst is rocky bottoms of rivers and steep banks. Terrible are many things in the perspective; yet, if life be spared, I mean to make the attempt as soon as possible. I hope to be with you in October. Is it possible to get anything for preaching in yonr town? But I fear the asthma will find me out, there. However I purpose to try it. I wish very much you could get fifty dollars on the loan, and even on interest, ro be transmitted to Dr. Say, of Philadelphia. It is for a very particular purpose, and can be replaced within a year. I had sent some money there; but, my last summer's misfortune obliged me to recall it. I have no doubt but that Maj. McRee would lend it. Please tell the Major, that I am glad to find he is so well settled, and, that I wish him to write me I have heard, our cousin Jas. Moore made a sale of land to Gov. Blount, who is dead. I fear James made a bad bargain. However, I think he should write, without loss of time, to Willie Blount Esqr. I take him to be a man of candor, and he will probably secure the property. The heir of Col. Wm. Davie should likewise appear, or employ some attorney. Lands are not saleable; but, so many tricks are played, that great attention is required to prevent chicane. Two of my horses have died and another has run away, tho' I hope he may be recovered. So according to the old saying, one single misfortune rarely happens to a man. If I think of Wilmington, I must be often at the sound; and, I must endeavor to be concerned in some little business. I can eat your meat but I must wear my clothes. I must also have a servant, and, should keep a horse for exercise, as I cannot walk much through the sand.

In your letters you rarely mention any of my old friends. What is come of Lillington's family; Shaw; John Moore; Maj. Sam. Ashe; the General's son; and my old friend Gov. Ashe; Mr. Heron &c &c. If it please God, I shall have not a little pleasure in seeing my old friends once more. Yet I know not why, I feel as if I should never reach the place.—— I lament very much than I can so seldom declare the Word of God, in public. A Clergyman, who reasons admirably, preaches here every other Sunday. The house he preaches in has an earthen floor—so I am afraid to go in it, either to speak or to hear. I did preach in a tavern the other Sunday, but the Methodists have taken the alarm, and, as the house is theirs, they preach every other Sunday; so that I am cut off.

This silence grieves me. Yet, I am not idle. I weekly publish some moral essay or advice in the papers. More serious pieces I attempted, but they have been laid aside as too solemn for their readers, that is their publishers. So, I try, always, that I can, to do some good. My carriage is shattered by the fall, and worn out, like myself, by time, that, to buy another, I suppose, will be cheapest. Heavy, heavy, are my losses, but, they do not depress my spirits. I still have a hope that I shall be supported so as not to suffer want. Yet, it is not long since a Clergyman was suffered to languish out of the world in an——Pray beg Mr. Wilkings to enquire if Mr. John Caldwell, lately from Ireland, Merchant, be in New York or not. He had 10 guineas for me, sent by a cousin in Ireland. I drew for the money to pay my surgeon, and I have written him three times, but no answer can I yet obtain.—— God in His infinite mercy grant us all His protection and blessing, that we may all meet around His throne, in the fulness of eternal joy. Amen.

Affecty. yours
Adam Boyd.

The orator of Congress makes a vacancy of happiness in Heaven!! Is it possible that such a body could pass unnoticed such a denial of everything sacred?

The last of this series of letters is dated Natchez, Decr. 30th, 1802: It requests Dr. De Rosset to send him (Boyd) his certificates of membership with the Masonic Lodge; states he was initiated in Jany. 1764; that Peter Mallett and Col. DeKeyser were in the Lodge with him; and that on St. John's Day, 1770, at the dinner at Emmet's house, "a little back from the street" he and Mr. London acted as stewards.

The letter further states that Boyd "for the purpose of extending a knowledge of divine truth," had prepared some little books for children; and, that his principal friends at Natchez were Jas. Moore, —— Steele, the late Secretary, and Forbes from Newberne.

Autobiographical Sketch by Dr. Armand John DeRosset, in 1847, Twelve Years Before His Death, of the DeRosset Family.

My beloved children have asked me to commit to paper such recollections of our Ancestry & Family as may have come to my knowledge, or been received by tradition; I will attempt, tho' perhaps in a very desultory way.

Our paternal ancestors were from Narbonne, one of the old French provinces, perhaps from neighborhood of Montpelier; and were of (so called) noble blood; this fact appears from old papers now in my possession, as well as from traditionary testimony. In some of these papers, the individuals, to whom they relate, are styled "Noble": in others "Most Noble". I mention this not as entitling us to any consideration or respect, other than such as our conduct and characters, as men & Christians, endeavoring conscientiously to perform our duty to God & our fellow-men, may justly claim.

I know but little of my [1] grandfather, except by tradition through my venerated mother, and from several military commissions, now held by me, under the monarchy of Great Britain, in whose service he was. His being in the service of that country may be accounted for by his professing the protestant religion, & by the claim of that nation to the sovereignty of sundry provinces of France.

I find amongst the old family papers, one entitled "Extracts from a Contract of Marriage between a Louis de Rousset, & Madame Gabrielle de Gondin" dated 1671: as I suppose being my Great-Grand-Father & his wife: for in some of the old family papers the named is so spelled; tho' in most of them, as we now spell it. It has been told me by my mother, that during the military life of my Great-Grand-Father he was long (perhaps nearly 20 years) separated from his family: during that time his wife had become quite blind, and on his return did not recognize him & refused to believe him to be her husband, till she felt a certain mole on his neck which having done she fainted in his arms.

My grandfather, as far as I have heard, was the only son of his parents—his name—Armand—is said to have married a Swiss lady. My mother knew her well, handsome, amiable, & indeed lovely in her character. He probably got acquainted with her during the period of his medical studies in that country; for he graduated in year 1720 at Basle. I have now

his diploma, reciting his family, his residence &c. At what time he emigrated from France I cannot certainly tell: but but have heard that it was during some of the numerous persecutions of the Protestants in that country.

They reached England where my father was born, soon after their arrival in London, as I have heard. They had three children, Louis Henry, Gabrielle Ann, and my father Moses John. The bodies of my Grand-Father & his wife were buried in a lot now owned and used as a residence* of Doctor Jas. F. McRee, where they lived, & which they owned. When a child I remember being shown an apple tree said to be over their graves.

My Uncle Louis Henry, married here, Miss Margaret Walker, the sister of the late Mrs. Ann Quince & Jas. Walker who was afterwards the husband of the niece of my uncle, Miss Margt. Magdn. Dubois. My uncle died in London, leaving no children; his wife died here; her tomb is in St. James' Church yard, in this town. My uncle in our Revolutionary struggle had attached himself to the Royal Party, believing himself bound by sundry oaths of allegiance to the King of Great Britain; for he had filled several important places under the Government, and amongst them that of the Councillor of this Province. He was a most conscientious man, of strict integrity, as illustrative of which I will relate an authentic anecdote. He had received the appointment of Commissary of Prisoners, in Charleston, S. C., when that was a British garrison. A gentleman called and offered to relieve the old gentleman from the arduous duties of the office, and guaranteed to him the amt. of his receipts therefrom, reserving only such perquisites as he could derive from it. My uncle turned on him with indignation for supposing him scoundrel enough to assent to such a proposal, telling him, that however laborious they might be, he would continue to perform the duties, rather than put it in the power of so unprincipled a fellow to cheat the King, or the poor prisoners, which was obviously his intention. My uncle had been at one time a merchant, but when the Revolution broke out, he was a planter, and living on his plantation, 7 or 8 miles from town, called Red Banks, but now known as Rose Hill. My father's sister married a Mr. John Dubois, & had two children, John, who married and moved to New York, and Magn. Margt. who married

* 2nd St. between Market & Princess, owned by Col. Roger Moore.

as before mentioned Jas. Walker. John left no children; Magdn. Margt. had two sons and twa daughters. Her eldest son, James W., married and moved to Arkansas, with a large family. The younger son, Julius, as we know, was the father of our beloved relatives, Revd. C. Bruce Walker, & Mary Ann Wright. One of the daughters, Harriet, married a lawyer, Edwin J. Osborne, whose descendants are in the interior of the State. The younger daughter, Louisa, married Genl. Jos. G. Swift, & lives in Geneva, New York, with several descendants. The late Capt. Alexn. Swift, of a military Corps in the U. S. was their eldest son. He died universally esteemed, respected & regretted. McRee Swift, our beloved friend, late an engineer on our R. Road (Wil. & Wel.), now in New York, is another one of her sons. They have several sisters with whom we are not acquainted.

My Grand-Father's youngest son, Moses John, was my father. He married Miss Mary Ivie, whose sister, Ann, married the late Genl. Moore, of our Revolutionary army.

The Miss Ivies were the daughters of a Scotch gentleman, their mother a lady of Jamaica, W. Indies. After the death of their father Ivie, their mother married Mr. Marmaduke Jones, an English gentleman of the old school. A highly respected and eminent Counsellor at law, whom I well recollect, for his neatness of person & his preciseness of character & conduct & conversation. My honored mother left but two children, a daughter & myself. My father died on Christmas Day 1767, shortly after my birth & was buried on his birthday, being St. John's Day, aged 41 years, having been born 27, Decr. 1726.

In 6 or 7 years after my father's death, my mother married Revd. Adam Boyd, from Virginia, or perhaps Pennsylvania. I knew several of his connections in Philada. He was an Episcopalian; was a martyr to asthma; had conducted a periodical newspaper here, called Cape Fear Mercury; was chaplain in the Revolutionary Army. His asthmatic complaint compelled his removal to the West, where he died in Natchez. My mother had declined accompanying him, being unwilling to leave her children. By Mr. Boyd she left no offspring, & died in summer of 1798. My sister had married Mr. Henry Toomer & left two sons and two daughters. My mother's sister died about two years after the death of Genl. Moore, her

* Edwin J. Osborne was one of the first graduates of the University, in 1798. This is probably the same.

husband, early in the Revolution & left two sons and two daughters. I married twice, as you know, in Charleston, S. C., my two wives were sisters & were nieces of Mr. Toomer, my sister's husband. Their father, a Scotchman, Jno. Fullerton, nephew of the celebrated David Hume, the Historian. I had in my possession a letter from Mr. Hume to his nephew, your grandfather Fullerton, and loaned it for the use of a Society in Charleston, who were desirous of getting a fac-simile of his hand-writing. I have not been able to recover it.

My first wife, my beloved Mary, lived about six years after our marriage, which was on Octr. 6th. 1791, & died Novr. 97, and here let me record a tribute to her worth. As a wife she was all I could wish, & assured me a few days before her death that never a regret at having married me had disturbed her happiness. She bro't me a son and three daughters. The daughters died in infancy. My beloved son Moses John was all that a father could wish. He lived to 30 & half years of age, an accomplished & indefatigable Physician & Surgeon. He had been married between three and four months to Miss Sarah E. Waddell, of Brunswick Cy., when he died, last of June 1826.

Nearly two years after the decease of my wife, being still a young man, I resolved upon a second marriage, but could not reconcile it to my feeling to place a stranger over my beloved child, then an infant, less than a year old. I therefore determined to offer myself to your lamented mother, whose excellencies of character I had long known, and whom I loved with unfeigned affection. I proposed to her to become my wife & take charge of my little boy which after many scruples on account of our relative situation, she consented to do, with the full approbation of her mother (Your respected grandmother Fullerton) & her sister, your Aunt Reighton; nor had I any just occasion to regret my union with Catherine Fullerton. She was in all respects a helpmeet for me; & ever endeavored to promote my interest & happiness. By her I had seven children, three sons and four daughters, two of the sons died in childhood. My beloved Armand John, and you my very dear daughters, Catherine G., Elizabeth Ann, Magdalen Mary, & Mary Jane, are left to comfort me now in my greatly advanced years, being this the 17, November, 1847, my birthday, eighty years of age. And what I wait for now, but the daily expected call to depart hence. Oh that I may be prepared to come into the presence of my GOD & SAVIOR, &

join all my beloved and departed ones in the realm of happiness & peace. My daughter Catherine is now a widow, the relict of a Methodist Clergyman, Mr. M. Kennedy: my daughter Mary Jane, the wife of an Episcopal minister, Revd. M. A. Curtis, she is the mother of five children now alive, 4 sons & a daughter. Mrs. Kennedy, my oldest daughter, has no children. My daughters Elizabeth & Magdalen are unmarried, and in charge of my household, together with Mrs. Kennedy. My children are truly a comfort and the joy of my life. My son Armand John, married Miss Lord, by whom he has nine children (all living) three daughters and six sons.

My grand father, my father and myself & both of my sons have been practitioners of medicine in this place. I am still so, having been engaged in professional pursuits here nearly fifty-eight years; and have prescribed for six generations in one family. Such an instance can scarcely be fonud in our country. Give God all the praise for whatever I may have been able to do, in any way agreeable to His most holy will. Oh praise the Lord!

Thus my dear children I have thrown together in a desultory way, for your gratification such family reminiscences as have presented themselves to my recollection, should any others occur to my mind they shall be added.

Your affeete. Father

Wilmington, N. C., A. J. De Rosset

Novr. 17th, 1847.

P. S.—I lived with your dear mother, from 1st, August 1799, our wedding day to 9th March 1837, when she was taken from me by a most painful and protracted disease. My first wife died of consumption.

The foregoing memoranda might have been much extended, but for the disastrous fire of 1840, in which my old French Family Bible, containing numerous family records, was destroyed, together with several other valuable memorials of the family.

It was reported & I believe on good authority, that the restitution of the family Titles and Estates, forfeited by their emigration, has been tendered to my uncle, not long before the Revolution in France, upon the condition of his return to the bosom of the Romish Ch., the offer, if made, was of course rejected by him.

A Col. Armand, came to this place during the Revolution, I believe with French Troops, was said & believed to be a near relative of our family. My uncle, much prejudiced

against the whole nation, would make no inquiry, nor any advance toward him.

It was also said that a branch of the De Rosset family existed in Narbonne, not Protestants, but if so, how connected with us could not be known.

I believe the above report preceeded from Mr. Jas. Walker who having married my uncle's niece, enjoyed his entire confidence, even to the period of his death.

I had neglected to state some circumstances in my father's life. related to me by my mother. On his attaing his majority, before commencing his professional life, he became enamored of a Miss B., who was not deemed on a footing (with) him; being a dutiful & affectionate son he yielded to his father and other friends, and went to sea, a supercargo; the vessel was taken by a privateer. I believe Spanish, was carried to some of their ports, & thrown into prison, stripped of everything. How long he continued there I forget; though I think one or two years. When released he got on board some vessel, & arrived in Boston, & after being supplied with clothing and necessaries in abundance by a Mr. Campbell, I think his name was Thomas, he returned home. Mr. C. was the brother of the late Mr. Campbell of this place, in compliment to whom, our late friend Mr. W. C. Lord was called.

After my father's return he entered upon the practice of physic & continued it till his death. Miss B. had married. A very close friendship and correspondence was carried on between Mr. Campbell & my father to the last day of his life.

You will remark that family rank and standing in those days were not lost sight of; hence the disapprobation of my father's friends to his union with Miss B. No objection was raised to his connection with your grand mother; indeed I believe his attentions to her were directed by his friends.

NOTE—Mrs. Catherine DeRosset Meares enables me to give further items in regard to the author of this letter. He was trained for college by his mother and her sister, and by his step-father, Rev. Adam Boyd, supplemented by a school in Hillsboro, N. C. He entered Princeton University, then College of New Jersey, at the age of seventeen. Having slender means he pursued his studies in vacations, at the same time teaching other students. He thus graduated in three years,

in 1785. On his return home he was shipwrecked, losing his spare clothing and books. The next year he entered the University of Pennsylvania at Philadelphia, and there gained the friendship of Benjamin Rush and other eminent men. Graduating in 1790, he at once settled in Wilmington and entered on an extensive practise, gaining the reputation of being one of the best physicians and surgeons in the South. He was in active service for sixty-nine years, visiting all who called on him for his services, whether or not able to pay. His last case was that of a woman 91 years old, who became the mother of a child. (See Proceedings of the N. C. Medical Society, May, 1859.)

Dr. DeRosset was an ardent patriot as a boy of fourteen in the Revolution, engaging at that age in a fight at the Oaks, near Wilmington. In person he was short, not over 5 feet 4 inches, with light blue eyes and ruddy complexion, with a benign expression. In dress always neat, keeping white linen stock, knee breeches and buckles. silk stockings and queue until his fiftieth birthday. His habits were regular and perfectly temperate. He gave up about forty years before his death the old fashioned habit of regular toddies because he learned that his example was quoted by younger men. He was always courteous and boundlessly hospitable. He was idolized by his family and was a kind, judicious master of his slaves, several of whom after being freed becoming useful ministers of the Gospel. For many years he was Port Physician of Wilmington. He was a promoter of the Bible Society of Wilmington and for a long time its President, succeeding the first President, George Hooper. He was an active member and Lay Reader of St. James church, and a generous supporter. He was for many years a Justice of the Peace. He was for thirty years a Director of the Bank of Cape Fear, and a $10,000 subscriber to the stock of the Wilmington and Raleigh, now Wilmington and Weldon Railroad Company. By subscribing an equal amount to tne Rockfish Cotton Factory he assisted in the promotion of these useful enterprises.

This most excellent man lived to his 92nd year, passing above on Apri 11st, 1859.

Contemporary Account of Conferring the Degree of M.D. on Dr. Armand John DeRosset by the University of Pennsylvania.

The Pennsylvania Packet, AND DAILY ADVERTISER of June 19, 1790, contains the following article:

"Philadelphia, Jun 19,

On Tuesday, June 8, the Commencement was held by adjournment, for the purpose of conferring the degree of Doctor of Medicine, in the College hall of this city. The business was opened with a prayer, by the Rev. Dr. Smith, Provost of the College. A pertinent address was afterwards delivered to the audience. by Dr. Shippen, in which several judicious reasons were given for conferring the degree of Doctor, instead of Bachellor of Medicine in the College. The following candidates were then examined upon the subjects of their theses by the different Professors of Medicine: viz.

Armand John De Rosset, of North Carolina,
De Febribus Intermittentibus.
James Proudfit, of the State of New York,
De pleuritide vera.
John Pennington, of Philadelphia,
On Fermentation.

The Latin theses were examined and defended, in the Latin language. The thesis on Fermentation, which, for the modern terms employed in it, was necessarily written in English, was examined and defended in the same language.

The Degree of Doctor of Medicine was then conferred by the Provost, upon Samuel Powell Griffith, M. B. Professor of Materia Medica in the College, and upon each of the candidates, to whom the right hand of fellowship was afterwards publickly given by each of the Medical Professors. The business of the day was concluded with a sensible and pathetic address to the Graduates, by the Provost of the College."

A copy of the Latin thesis of Dr. A. J. DeRosset, delivered upon his graduation at the Medical College of Philadelphia, having been sent to Hon. Benj. Hawkins, then U. S. Senator from North Carolina, the following acknowledgement was received:

New York, June 25th, 1790.

Sir:

I acknowledge with great pleasure the receipt of your Medical thesis, on intermitting fevers, which you did the honor to present to me. I do not presume to take on myself to judge of the performance, being incompetent, but some of my medical friends who are really learned, say it has considerable merit.

Although I am a citizen of the World and admire merit and genius wherever it may be found, yet, I confess myself some what more interested in your little work as being the production of a fellow-citizen of the particular country that gave me being. I had heard you spoken of as possessing considerable talents and application, and, without the pleasure of knowing you, was desirous of your success, that you might be an example to your countrymen, who, unfortunately, spend too much of their time in idleness and dissipation.

Accept my best wishes for your success in your profession and future studies, and believe me, with much esteem, Sir,

Your most obt. & humble Servt.

[1] Benjamin Hawkins.

Dr. De Rosset.

Letters of [2] Dr. Benjamin Rush, to Dr. DeRosset.

Phili'da. Novr. 24th, 1790.

Dear Sir:

Both your letters came safe to hand, and gave me much pleasure. I am much obliged to you for your attention to the orders committed to you. I shall inquire into Mr. Standley's circumstances & act accordingly.

Our City swarms with students of Medicine. But they are nearly equally divided between the College and the University. [3] Dr. Shippen's attachment to the latter has been open and impudent this year; in consequence of which, [4] Dr. Hutchinson has a larger class than [5] Dr. Wistar, and [6] Dr. Kuhn only ten in his class, less than I have in mine. I have made

many additions to my lectures, especially to my proximate cause of fever.

I consider the action in the arterial system to be a convulsion, resembling in many particulars, a convulsion in the nervous system. I think I have fully established by many facts, my new theories of Dropsies. I have lately bled in anasarca, and hydrocephalus with success. In both cases there was great excess of irregular action, or convulsions in the arterial system.

I have lately used injections of cold water in four cases of colic, attended with a *full* and *tense* pulse, and in all with the most desirable success.

Your fellow students are all well. Mrs. Rush joins in the best wishes for your health and happiness, with Dr. Sir

Yours Sincerely
Benjamin Rush.

Dr. De Rosset, Physician
at Wilmington, N. C.

Philida. May 6th, 1793.

Dear Sir:

You will perceive by the enclosed thesis the present state of opinions and practice in the University of Pennsylvania. My 2nd volume of Medical inquires will be published in the course of the ensuing summer which will contain a full explanation of my principles on dropsy and Pulmonary Consumption.

My dear Mrs. Rush joins in my compliments to Mrs. De Rosset and best wishes for your happiness. with Dr. Sir

Your sincere friend
[2] Benjn. Rush.

[1] Benjamin Hawkins, of North Carolina—Aide-de-camp to Washington; member of the Congress of the Confederacy; one of the first Senators from North Carolina; Indian Agent; with residence in Georgia; author of Topography, and Indian character, &c.

[2] Benjamin Rush, a Signer of the Declaration of Independence; member of the Continental Congress; member of the Convention which ratified the Federal Constitution; Professor of Medicine and Clinical Practice in the University of Pennsylvania; distinguished himself in the yellow fever epidemic

in Philadelphia in 1703, and wrote a valuable history of it; author of other Medical works.

[3] William Shippen, who delivered the first course of lectures on anatomy in America, it is said.

[4] Dr. James Hutchinson, Surgeon of the Continental Line, 1776-'83; Professor of Materia Medica, University of Pennsylvania.

[5] Caspar Wistar, adjunct and then Professor of Anatomy in the University of Pennsylvania. Author of "System of Anatomy."

[6] Adam Kuhn, the President of the College of Physicians and Surgeons. He was also a Botanist.

Commission to Dr. Armand John DeRosset, the Elder, to be a Surgeon of Militia.

(COPY)

THE STATE OF NORTH CAROLINA,

To Armand John De Rosset, Esqr. Greeting:

GREAT SEAL OF THE STATE.

We reposing special trust and confidence in your Medical Knowledge, do hereby appoint you a Surgeon in the 3d Regiment of the MILITIA of our State: and you are hereby invested with the authority and Command belonging to said office, that you may promptly and Diligently perform the duties thereof, as prescribed by Law and Military Discipline, (after taking such oath or oaths as are necessary for your qualification) in the discharge of which, all officers and Soldiers under your command are required to yield to you their ready obedience.

In testimony of which, His excellency WILLIAM HAWKINS, Esquire, our Governor, Captain-General and Commander in Chief, hath caused the Great Seal of the State to be hereunto affixed, and signed the same at our City of Raleigh, on the 10th day of October in the year of Our Lord one thousand eight hundred and fourteen and of the Independence of the U. States the XXXIXth.

By the Governor, [1] William Hawkins.

Tho. Marcy, Private Secretary.

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[1] William Hawkins, nephew of Senator Benjamin Hawkins.

He was speaker of the House of Commons—Governor from 1811 to 1814.

Extract from the Records of the New Hanover Medical Society.

"Present: Dr. Jas. H. Dickson, President; and Drs. Anderson, Thomas, McRee, Wright, Cutlar, Beery, Potter, and Medway.

Committee, appointed to prepare resolutions relative to the death of Dr. A. J. De Rosset, reported through Dr. J. H. Dickson, the following, which are adopted unanimously.

Whereas: It has pleased the all-wise disposer of events, to call from this transitory life, at the very advanced age of Ninety-one years, our venerable and highly esteemed professional friend and "confrere"—Dr. Armand J. De Rosset, Senior, we esteem it a duty, as well as a melancholy privilege, to place upon record, an united testimonial of our exalted appreciation of his character, both as a man and as a physician.

Though by many years, the senior of those engaged in the active duties of the Medical profession; there are some among us, who have had the advantage of profiting in consultation, by the skill and large experience of this Nestor of our profession, now no more among the living; and, who have had the opportunity of observing the calm wisdom of his intellect, and the uniform kindness and courtesy of his manner, which, indeed, seemed to ripen with advancing years.

After finishing his collegiate course at Princeton, A. J. De Rosset became a pupil of the celebrated Dr. Rush of Philadelphia, and was one of the earliest graduates of the Medical College of the City.

He had thus availed himself of the best means, which the time and the Country afforded, to prepare himself for the arduous and important duties of his professional life.

Commencing his profession in the last decade of the last century, he continued in the active performance of its duties, until a few years past, when the growing pressure of years rendered him physically incompetent for its labors, while his intellect preserved its integrity to the close of his life.

For several months past, it became painfully apparent to his friends that his strength was failing, and that the close of his earthly career was near at hand.

Of this no one was better assured than himself, and it was

consolatory to observe the calmness and resignation with which he contemplated the approach of dissolution—not the calmness of the Stoic, but the peaceful, serene resignation of the Christian; for our venerable friend was of the highest type of man—the Christian Gentleman.

During his life he was an honor to the medical profession of the State, and after having served several generations faithfully and acted his part worthily upon earth, he has at length been gathered to his fathers, full of years and full of honors.

'having now
The bound of man's appointed years, at last
Lifes blessings all enjoyed, lifes labor done,
Serenely to his final rest, has past;
While the soft memory of his virtues, yet
Lingers like twilight hues when the bright
Sun is set.'

He has both in his life and in his death, left us an example worthy of our imitation.

His professional attainments were of a high order, and no doubt contributed to the elevation of the professional character in our State; while his sterling qualities as a man and a Christian reflect their additional lustre upon it.

Let it be our aim, by the practice of like virtues, to elevate ourselves, our profession and our State.

Resolved: That, While we condole with his surviving relations in the bereavement which they have sustained, we rejoice with them at the bright legacy which has been left them of a noble character erected on a basis of spotless integrity and a well spent life.

The Secretary was directed to send the family of the deceased a copy of the above; and, also to furnish copies to the local Press, and, to the N. C. Medical Journal.

Jas. H. Dickson,
Prest.

F. W. Potter,
Secty.

[1] James Henderson Dickson, A.M.; M.D., was a graduate of this University in 1823. His M.D. was from Columbia College, N. Y. He was President of the Medical Society in North Carolina, in 1854 and member of the Board of Medical Examiners, 1858-1862. He delivered an address before the Alumni Association at Chapel Hill in 18 on the Progress of

Science, which was printed and much enhanced his reputation.

DR. MOSES JOHN DEROSSET, THE YOUNGER.

As has been said Dr. Armand John DeRosset, the elder, had two sons, one by his first wife, Moses John, and the other by his second, Armand John DeRosset.

Moses John DeRosset was born February 11, 1796, entered the University of North Carolina in 1813 and graduated in 1816. He then obtained his diploma at the New York Medical College in 1820, and practiced medicine with great success in copartership with his father. In the yellow fever epidemic in 1821 he was particularly active and skilful. He died July 1, 1826, leaving an exceedingly high reputation. The following correspondence with Dr. Valentine Mot, the elder, one of the ablest surgeons this country has had, shows the high regard in which young Dr. DeRosset was held by the profession.

CORRESPONDENCE.

DR. MOSES JOHN DEROSSET TO DR. VALENTINE MOTT.

Wilmington, N. C., July 4th, 1825.

Dear Sir:

I have a friend and a patient in whom I feel much interest, whose case has completely baffled my skill, and resisted every plan of treatment I could devise for three months past. You will oblige me much if you will state your opinion of its nature, remark freely upon its treatment and suggest any course that will probably afford relief, with as little delay as the nature of your engagements will permit.

Mr. J. W. aged 55, a rice planter of corpulent and plethoric habit, who lives a rather sedentary life, and, until the present attack, has enjoyed much uninterrupted health, was taken, about three months since, with pains, at times acute, about the eosiform cartilage, extending down into the right hypochondriac and iliac regions, attended with a sense of stricture, stretching around to the point of the scapula, and with some degree of unctation and rumbling of the bowels; the pain has been equally confined to the parts above mentioned, though

at times it is at the umbilicum, and has been felt even as low as the region of the bladder. Mr. W. seems to be under the impression, notwithstanding my opinion to the contrary, that his present malady is in some way connected and dependent on a disease under which he has labored at intervals for many years, which from the description appears to have been a violent spasmodic affection of the stomach, and on one occasion (as long ago perhaps as 1811) was so severe as to require several hundred drops of laudanum to allay it, and to produce ecchymoris, or effusion of purple spots over the entire body the day after. He complained occasionally in the commencement of his disease of a distressing pulsation in epigastric, which was never sufficiently evident for me to ascertain whether it was synchronous with the pulse or not; it appears to me to arise from nervous irritation; he has not complained recently of the symptom. His pulse has been almost uniformly full, and intermittent, but never more than eighty strokes in the minute, his appetite has been little or not impaired; his spirits much depressed; his body considerably much amaciated; his complexion and eyes clear; his stools natural both as to color and consistency, his tongue generally clean, and there has been no difficulty of lying on either side.

The disease has been unattended throughout with any cough, dyspnoea, nausea or pain in the shoulders; no perceptible enlargement of the hepatic region, and until latterly, the pain not increased by pressure. The disease at first presented itself to my mind as a disordered state of the digestive function, in which every symptom of hepatic derangement was absent, except pain in that region, accompanied with a nervous irritability and depression of spirits bordering on Hyporchondriasis.

The treatment consisted of active depletion the Lancet, by cathartics repeated twice a week for some time, with a succession of blisters, with a mercurial course carried to the extent of a pretty full ptyalism, and with tartar emetic ointment, with little or no evident benefit; at one time I supposed that the pain might proceed from tape-worm, and prescribed an active dose of ol. terebinth, with more relief of the urgent symptoms perhaps than from any article which he has taken. It was repeated without my direction, but was not attended with the same relief, though with some affection of the urinary organs, which was removed without difficulty. At another time I prescribed the tr. colch. vinous, under the impression that it might proceed from a gouty diathesis, but

with the like unsuccessful result. He is now and has been for some time on the use of the nitric acid, and as the tart. emetic ointment has ceased to produce the pustulating effect, I have sent him camphorated mercurial ointment, to be applied to the hepatic region, intending to thus affect his mouth very slightly again. I find it still necessary to, occasionally, resort to the use of the lancet, and I think always with benefit, the blood when drawn looks thick and dark, and covered with buff when cooling. He has never been confined to his bed, his diet is strictly antiphlogistic, and *regular exercise on horseback* has been prescribed, the last part of the prescription however, owing to his great repugnance to motion, I fear he does not regard to its full letter. A visit to the North and especially to Saratoga has been recommended but not concurred in by the patient. He usually spends his summers in the interior of his State, about a hundred and fifty miles from the seaboard, in a fine salubrious climate, and probably will ride much among the mountains during the ensuing season.

Thus far I had written when I received a summons to visit him about 30 miles from this, but before I saw him the urgent symptoms which had occasioned my call had disappeared without remedy. As described by Mrs. W — one of the most intelligent ladies I ever saw, they were these: Acute pain at the scrobiculus cordis, subsultus of almost every muscle in the body, great redness of the face, and violent throbbing of the carotids and temporals, in her emphatic language,—he looked all over like one great pulse. When I saw him the next day, he was much as usual except the pulse was smaller, more regular and much quicker than I had ever felt it. In case of a recurrence of the paroxysm I directed the use of ether, and laudanum and synapisms to the pained part. I took eight or ten ounces of blood from his arm, and as depletion had now been carried as far as I deemed necessary or prudent, I advised tonics, and their journey to the back country to be commenced immediately. Could your great experience and extensive professional acquirements suggest any plan of treatment affording a probable prospect of success, I should feel greatly obliged.

Your obedt. servant
(Signed) M. J. De Rosset.

Dr. Valentine Mott,
New York.

Dear Doctor:

Your letter of 4th inst. I very much admire for the excellent history and description of a case which is presented for my

opinion. You have beyond doubt narrated the symptoms of the case with great fidelity; but I must confess I am fearful that it will not be in my power to improve the excellent treatment you have subjected him and suggested to him. I frankly confess I cannot name his disease. Some functional or organic derangement may exist. which has occasioned great nervous irritability. It may be in the stomach or liver or both. Your idea of travelling and residing at Saratoga I highly approve of, the best plan to be adopted by him. Perhaps you might give a pill of aloes, carb. ferri. and zinzib. to preserve the tone of the stomach, and keep up a gentle movement to some advantage, not however to omit exercise on horseback.

Truly your friend,
Dr. De Rosset (Signed) Valentine Mott.

DR. ARMAND JOHN DEROSSET, THE YOUNGER,

son of Dr. Armand John DeRosset, the elder, by his second wife, was born October 9th, 1807. He was prepared for the University by James W. Mitchell, entered it in 1821 and graduated in 1824, with Governor and Senator William A. Graham, Judge Matthias E. Manly and other eminent men. He then attended lectures in Charleston and in Philadelphia, receiving his diploma from his father's university, State of Pennsylvania, in 1828. He practiced with much success and growing reputation for several years, when, finding the requirements too painful for his sympathetic temperament, he exchanged it first for a partnership in the Phoenix mill, and then in 1839 for that of a commission merchant with John Potts Brown. The business was lucrative until some time after the war with new partners, when the house got into financial trouble by reason of the extraordinary conditions then prevailing. Although the creditors offered a liberal compromise, Dr. DeRosset refused to accept it, surrendered for sale. his beautiful home and other property and paid all his debts. To one who urged him to act otherwise he said, "The *mens sibi conscia recti* has been far more precious to me than the possession of any amount which the laws or the circumstances of the case would have enabled me to retain." After living

in affluence for over three score and ten years he accepted the position of clerk, and without loss of self-respect or honor with the community, worked for the support of himself and those dependent on him.

Dr. DeRosset was always a public spirited citizen. He was one of the first subscribers to the stock of the Wilmington and Weldon Railroad Company and a Director from its inauguration for fifty-five years. In 1849 when the company was in straits he negotiated in England without compensation a loan in iron rails, which saved the road. After the Civil War, when ruin was again threatening, he, likewise, with no compensation, negotiated abroad in 1865 an extension of time of payment of the company bonds.

In the Protestant Episcopal Church, of which he was from boyhood an active member, he suceeded his father as Senior Warden of St. James church and held the office for nearly fifty years. He was much of that time a member of the Standing Committee and Treasurer of the Diocese of North Carolina, and, after its division, of East Carolina until near his death, He likewise as Deputy represented for many years these dioceses in the General Convention, the highest honor a layman can have in this church.

In 1829 Dr. DeRosset married Eliza Jane Lord. They lived a most happy life for forty-seven years. They had eleven children, of whom five survive. Some time after her death he married Catherine M. Kennedy. They had no children.

Dr. DeRosset, in all public and private relations, was approached in excellence by few and excelled by none.

The following paraphrase of the Lord's Prayer was written by Dr. Armand J. DeRosset in 1889, he being in his eighty-third year:

Father in Heaven, to Thee we pray
  That Thy great Name may hallowed be,
Thy kingdom come—Oh! haste the day
  When all the world shall bow to Thee,
When Thy blest will shall have full sway,
  And Earth, like Heaven, from sin be free.

Sustain, Oh Lord! our bodies frail,
  Preserve our soul with bread of life,
Forgive our sins, let us not fail
  Our foes to bless, and keep from strife.

Whene'er the tempter's wiles assail
  Do Thou be near, and keep us pure.
May Thy good Spirit never fail
  To be our guide for evermore.

Glory—Power to Thee belong,
  In Thy dread presence we appear,
Only in the Name of Christ Thy Son,
  Who taught us to make our prayer.

September 18th, 1889.

THE EARLY YEARS OF WILMINGTON—EXTRACTS FROM THE TOWN JOURNAL—LETTERS OF JAMES MURRAY.

HISTORICAL NOTE, by Samuel A. Ashe.

As soon as the North Carolina Colony had gained repose after the subjugation of the Indians and the removal of the Tuscaroras to New York, there was a considerable influx of population and the lands along the Neuse and adjacent to the sounds were measurably occupied. Perhaps to keep the Colony compact, the Lords Proprietors directed that no settlement should be made within twenty miles of the Cape Fear river. But in 1725 Governor Burrington, disregarding these orders, explored the Cape Fear and opened lands there to entry; and shortly afterward, Maurice Moore laid out a town on the west side of that river about fifteen miles from its mouth, which he called "Brunswick," and invited settlers to locate there. Shortly afterwards, [1]Cornelius Harnett, who had disappeared from his Albemarle home in 1726, established a ferry at a haul-over opposite Brunswick, and this ferry was sanctioned and legalized by the General Court held in Edenton in March 1727, since there was no other authority having jurisdiction over the Cape Fear region. It was about that time that many other settlers hastened to take up the best lands on the Cape Fear River and its branches.

In November 1729, Brunswick was incorporated and made the County Seat of the new precinct called "New Hanover," and the election of vestrymen for St. James Parish was directed to be held there. During Burrington's second term, John Maultsby entered 640 acres opposite the confluence of the two branches of the Cape Fear; but at that time what is now called "Clarendon River" was considered to be the North-

[1] Father of Cornelius Harnet of the Revolution.—K. P. B.

west Branch. John Watson at the same time entered 640 acres adjoining Maultsby's and extending down the river, but it was not until some two years later, in 1735, after Governor Johnston had come over, that patents were issued for these entries. In the meantime, a few settlers had located on Maultsby's entry and called their settlement "New Liverpool." But in March or April 1733, Michael Higgines and Joshua Granger purchased from Watson 50 acres of land, being in the central portion of it and fronting about one fourth of a mile on the river, and James Wimble bought all the lower part; and immediately following, Watson and Wimble and Granger and Higgines agreed to establish a town on their lands; and they accordingly laid out Market St. and Front St., being the present streets bearing those names in Wilmington, and ran other streets parallel with them; and their town was called "Newton" or "New Town." Hardly had the new town been begun before the superior advantages of its situation became evident, and there arose conflicting interest between it and the older settlement at Brunswick.

Governor Johnston, who took the oaths of office in November 1734, being informed that Brunswick was unhealthy, and having no interest there, purchased lands adjacent to Newton and became an ardent advocate of making that village the commercial, business and political centre of the Cape Fear section. In this he was opposed by those gentlemen who had already established themselves at Brunswick and who hoped that their fortunes were to be increased by its future growth and prosperity. But the Governor was so assured of the superiority of the Newton site that he paid slight attention to their wishes, and within three months after his induction into office, he began actively to advance Newton at the expense of Brunswick. Doubtless it was with his concurrence that on March 6, 1735, there was presented to the Council a petition from the inhabitants and others about Newton, praying "that the said place may be made a town by the name of ———, provided that the inhabitants thereof do within two years from date hereof, build and erect six brick

houses in the principal streets, of forty feet long and 30 feet deep;" but the Council, not having the necessary powers, took no action and the subject of incorporating the town was brought before the next General Assembly, which met at Newbern in 1736. At that time, a bill to incorporate the town under the name of Wilmington was proposed in the upper house; but seems to have failed. It appears from it that the Governor had thus early designed to bestow on the town the name of "Wilmington," to compliment his patron, Sir Spencer Compton, then Earl of Wilmington, a nobleman of great worth, abilities and integrity, who for many years occupied a high position at Court, and was soon to be Prime Minister. One of the provisions of that bill directed the establishment of a court house at Newton and the holding of a court there. Indeed, in March 1735, the Governor had been pleased to appoint a court of Exchequer, which was, "to be opened and held at Newton on the northeast branch of the Cape Fear River on the 13th of May following," and at the same time, he issued a proclamation reciting that as no court of Oyer and Terminer had as yet been held on the Cape Fear River, he appointed a court to be held at Newton on the northeast branch of the Cape Fear, on the 13th of May, 1735; and he also appointed Newton, as the place for collecting and receiving quit-rents, and on the 13th day of May he held a Council at Newton, and after that other Councils met there. The Legislature, however, seems not to have incorporated the town until 1740, although in 1736 it enacted that the quit-rents for Onslow and New Hanover should be paid at Newton; and in the fall of that year, Governor Johnston appointed James Murray Naval Officer, and directed him to open his office at Newton, thus practically closing the port of Brunswick. At length in February 1740, the Governor was able to carry his point, and a bill was passed incorporating the town under the name of Wilmington. But in the Council only eight members being present, there were four votes for it and four votes against it, and the presiding Councillor, Chief-Jus-

tice Smith, having already once voted for it, making the tie, as presiding Officer gave a second vote to break the tie, thus passing the bill through the Council. The friends of Brunswick were not content to be overreached in that way, and quite a controversy arose as to the legality of an act passed by one Councillor giving two votes.

Section First of the act recites: "That, whereas several merchants, tradesmen, artificers and other persons of good substance have settled themselves at a village called Newton, lying on the east branch of the Cape Fear River, and whereas, the said village by reason of its convenient situation at the meeting of the two great branches of the Cape Fear River, and likewise by reason of the depth of water capable of receiving vessels of considerable burden, because of the safety of its roads beyond any other part of the river and the secure and easy access from all parts of the different branches of the said river, is upon all those and many other accounts, more proper for being erected into a town or township than any other part of the said river,"—therefore, the Legislature proceeded to "erect it into a town and township by the name of Wilmington," with the privilege of choosing one representative to sit in the General Assembly; and the persons entitled to vote for said representative were limited to "every tenant of any brick, stone or frame habitable house of the length of twenty feet and sixteen feet wide within said town, and other persons who were actually in possession or an inhabitant of a brick house of the length of thirty feet and sixteen feet wide within the bounds of said town upwards and Smith's Creek;" and it was further enacted "that no person should be deemed qualified to be a Representative of said town to sit in the General Assembly, unless he was seizin of a brick, stone or frame house with one or more brick chimneys, the house to be of the dimensions aforesaid;" and the following persons were appointed commissioners for the said town: James Murray, Robert Halton, Samuel Woodard, William Farris, Richard Eagles, John Porter and Robert Walker.

The Governor was very much elated at his success in having this bill passed, but the controversy about the manner of its passing through the Council became so great that at its next session, the Legislature found it expedient to pass a second act "because of the disputes which raised doubts and much perplexed the minds of several of the inhabitants of the said county of New Hanover." In this act it is provided that the election of the vestrymen for the Parish of St. James in New Hanover County and all other public elections for the said County of New Hanover and for the said Parish called "St. James Parish," shall be held and made in the town of Wilmington. Prior to that, under an act of 1729, these elections had been held at Brunswick, and these acts were death-blows to Brunswick, and resulted in the complete victory for the Governor and the New Town over those who had settled at Brunswick. Wilmington at once became the metropolis of the Cape Fear region.

EXTRACTS FROM THE RECORD.

We have before us the records of the Commissioners' meetings of the town of Wilmington, beginning in April 1743, the following being extracts:

"Wilmington, April 5, 1743.

The Freeholders met at the Court House in pursuance of an act of the Assembly to elect proper persons to be returned to His Excellency, the Governor, to serve as Commissioners for the ensuing year; when on closing the poll, the five following had a majority of votes, viz.: James Campbell, Rufus Marsden, James Smallwood, Richard Hellier and Armand De Rosset; and return whereof, was made to His Excellency, the Governor.

Wilmington, April 27, 1743.

A general meeting of the inhabitants and freeholders of Wilmington in order to concert measures for laying out the streets of the said town in a more exact manner, is desired by the subscribers to meet at the Court House on Monday, the 9th day of May next, at 10 o'clock in the morning.

Signed: William Harris, Richard Hellier, Samuel Green, James Campbell, Rufus Marsden and John Maultsby, Jr."

In pursuance to the above at the time and place there mentioned, the greatest part of the freeholders and inhabitants met and came to the following resolution, viz: "Whereas, we, the subscribers, freeholders and inhabitants of the town of Wilmington, have taken into consideration the many inconveniences and hardships inhabitants of the said town suffered by reason that the bounds of the lots and streets thereof are not duly ascertained, and in order to come to the knowledge of the original survey of the said town, have desired the favor of Michael Higgines, one of the original Proprietors, to declare, and he has declared before a Magistrate upon oath what he knows of the original survey and the said declaration or affidavit of Mr. Higgines, seems to locate to our satisfaction the place where the said survey was begun together with the courses and manner of carrying it on, we have resolved and do hereby resolve that Mr. William Faris, Mr. Rufus Marsden, and Mr. Thomas Clarke shall be empowered as Commissioners to agree with a proper Surveyor and necessary assistants, to re-survey the streets of the said town, and fix proper stakes or posts at convenient places and to defray the charges of the premises, we, the said subscribers, do hereby promise to pay Mr. Thomas Clarke, or produce him the Surveyor's Receipt for the sums opposite our respective names, within ten days after the said town shall be surveyed, pursuant to the agreement to be made by the Commissioners aforesaid; and that the said re-survey may be agreed for and made on the terms and in the manner that shall be most agreeable to the freeholders of the said town, it is the intention of us, the subscribers, and accordingly resolved, that the Commissioners aforesaid shall not make the agreement for the re-survey, but have three days notice fixed at the Court House of the time and place appointed for making such agreement, which shall not be made without the consent of the freeholders aforesaid, being subscribers hereto, or the majority of them then and there present.

Wilmington, N. C., May 9, 1743.

William Faris	25	pounds	currency.
James Murray	10	"	"
Thomas Clarke	10	"	"
William Norton	16	"	"
Rufus Marsden	12	" 10s	"
Phillip David	5	"	
Richard Hellier	2	"	

Thomas James	5	pounds currency.
Joshua Granger	8	"
John Maultsby	10	"
Caleb Granger by Wm. Faris	20	"
Thomas Hedges	5	"
Francis Veale	10	"
*Robert Walker	10	" "
Daniel Dunbibin	5	"
James Smallwood	5	"
Morgan Morgan	5	"
Hugh Blanning	5	"
Samuel Cain	5	"
Nicholas Fox	5	"
John Wright	10	"
John Watson	5	"
John Squires	3	"
James Campbell	5	"
Magnus Cowan	3	" 10s
Daniel Love	5	"
William Birnie	5	"
——— McFarline	3	"
——— ———	7	"
——— ———	£5	"

* Robert Walker and his wife Ann Montgomery Walker are said to have come from Ireland in 1736. Their daughter Margaret married Dr. Armand De Rosset, who came to New Liverpool in 1775.

The deposition of Michael Higgines relating to the former survey of the town is as follows:

North Carolina, New Hanover County,

Michael Higgines, late of the town of Wilmington, Ordinary Keeper, at the request of many of the inhabitants and freeholders of the said town, maketh oath that in the year of our Lord 1733, John Watson, planter, was possessed of a tract of land containing 640 acres by virtue of a warrant from Governor Burrington, beginning at John Maultsby's line to Col. Halton's line, then along his line south to the corner thereof and thence several courses down the northeast branch of the Cape Fear River; that in March or April 1733, he, this deponent, and Joshua Granger, Sr. bought of the said John Watson fifty acres, part of the said tract of land, beginning at a tree which then grew in a hollow where William Faris' tar house now stands, fronting down the river

near a quarter of a mile, and running back for the compliment; that on or about the said month of April, James Wimble, Mariner, bought of the said John Watson the remaining part of the said tract that was below the land purchased by this deponent and Mr. Granger; and this said tract was divided between John Watson, (who still continued to possess the other upper part of it,) this deponent, Joshua Granger and James Wimble. And the said John Watson, this deponent, Joshua Granger and James Wimble, in the month of April or thereabouts, entered into an agreement to lay out part of the said tract of land into lots and streets for a town, and to fix a centre in the Market St. where the town house now stands, and the same was accordingly laid out, on or about the said month of April, by William Gray, Surveyor, in the following manner, viz: "Beginning at a place where now lies the threshold of the north door next to the ——— house, now possessed by Hugh Blanning, thence running northwest three poles, which station was agreed and fixed upon by us, said place to be the middle of Market Street aforesaid, and as the course of the said street was a half point north and this deponent having now reviewed the front street of the said town, saith: 'That he verily believes that post standing in the northeast corner of the yard posessed by Hugh Blanning, is exactly in the western line of Front Street, which street was run at right angle with Market St. of the width of four poles and all the other streets in the bounds of the then intended town were laid out four poles wide, and were exactly parallel either to Front Street or Market Street before ascertained, and that all the lots aforesaid were of the length of 20 poles with a breadth of four poles except the water lots, which were likewise four poles wide down to a low water mark.' And this deponent further saith: 'That when the said Surveyor, running along Front Street, went down steep or declining places, he ordered the chief chain-bearer to hold up the chain and the other one to hold down the chain and to the contrary in going up; in order and with the intention that all the lots might be of equal breadth,' further saith not.

Sworn and subscribed by Michael Higgines on the 9th of May, 1743 before me.

Ja. Murray, J. P.' "

Wilmington, May 30, 1743.

Agreeable to an advertisement put up at the Court House

on the 24th of this instant, May, in pursuance of the agreement made by the inhabitants of Wilmington, bearing date the 9th of this instant, wherein, it was agreed and resolved that public notice should be given three days at least to treat with the proper Surveyor to run out the streets of the said town. Accordingly, we, the freeholders present, do resolve that Jeremiah Vail, do as soon as conveniently may be, re-survey the streets of the town agreeable to the oath of Michael Higgines, and that the said Surveyor be upon oath to do the same justly and truly without fraud, and in consideration of which, he shall receive out of the subscription money 150 pounds.

Ordered that the squares of the said town be staked out at every corner of each square at the charge of the said town and that the chain-bearers be upon oath to carry the chains justly and truly and that the commissioners do agree with proper persons to carry the chains and provide the stakes: Signed: Rufus Marsden, William Norton, Thomas Clarke, Francis Veale, David Lindsay, Phillip David, Richard Hellier, James Smallwood, Ja. Campbell, Daniel Dunbibin, Samuel Green, Thomas James, William White, John Squier, John Wright, William Birnie, Thomas Hedges, Magnus Cowan, Morgan Morgan.

The deposition of the Surveyor and chain-carriers appointed to re-survey the town of Wilmington, namely: "Whereas, freeholders of the town of Wilmington, have for the better ascertaining of the several lots and streets, resolved and agreed to cause the said town to be re-surveyed agreeable to the original survey, therefore, the beginning of which survey together with the courses and breadth and length of the streets and lots appears by the affidavit of Michael Higgines, taken before James Murray, Esq., the 9th of May 1743, as well as by a plan now extant of the said town, and whereas, William Faris, Thomas Clarke, Esq., and Rufus Marsden, the commissioners appointed by the said freeholders, have with their consent agreed with us, we the said Jeremiah Veal, Survey Richard Hellier, and William White maketh oath that we will faithfully do our duty respectively in the premises, in beginning and carrying on the said survey, observing the method directed by the affidavit of the said Michael Higgines the former plan of the town, and the instructions of the said commissioners not repugnant to the said affidavit and plan. Sworn 7th of June 1743 before me; James Murray. Signed: Jeremiah Veal, Richard Hellier and William White."

Wilmington, July 12, 1743.

Pursuant to an advertisement put up at the town house, bearing date the 8th day of this instance; signed, William Faris and Rufus Marsden, two of the commissioners appointed, desiring inhabitants of the said town to meet on the said 12th of this instance at 3 of the clock; accordingly, we, the freeholders of the said town have met and agreed that the Assembly of this province be petitioned to pass an act to establish the town of Wilmington according to a survey made at the request and with the consent of the freeholders, signed by the said freeholders May 30, 1743, and that a clause in the said act be, that all houses now built may stand the term of 21 years from the passing of the said act."

[Thereupon, the act of 1745, (being Chapter 10, Page 204, Swan's Collections of Laws of North Carolina) was passed, establishing the survey, as made by Jeremiah Veal under the direction of the freeholders of the town. Editor.]

Wilmington, November 30, 1745.

At a meeting of the commissioners, present, William Faris, Ja. Campbell, Rufus Marsden, Joshua Granger, who qualified themselves as commissioners for the town of Wilmington pursuant to the act of the Assembly and also took the State oaths appointed to be taken by all public officers and subscribed to the test. Thomas Turney came and qualified himself as commissioner of the aforesaid in like manner: "Resolved, that Richard Hellier be appointed Town Clerk. Agreed that the market for the said town be kept under the town house for the present, until proper shambles be built; and for the better regulating of the market, it is resolved that all beef, veal, mutton, venison or pork intended for sale be brought to the said market place and there exposed to sale from the first of October to the first of April for two hours, and from the first of April to the first of October yearly, one hour, before the owner be at liberty to sell the same at wholesale, so as all forestallers of the market be discovered, and the inhabitants be supplied at first hand."

Ja. Smallwood, praying to have the liberty of building a piazza or shade at the front of his house not exceeding 6 feet in breadth and to remain only during the time being at the pleasure of the commissioners; the same is accordingly granted. Resolved, that the commissioners do meet at the Court House on Saturday next to hear any complaint and to settle the affairs of the town.

At a meeting of the commissioners June 23, 1747. Ordered: "That all male taxables in the town meet at the Court House on Monday 29th by 6 o'clock in the morning with proper tools to work on the streets and bridges six whole days, provided the work requires so long a time, and that a warrant be issued to the constable to summons all masters and mistresses of families to send their taxables at that time and place."

At a meeting of the commissioners April 25, 1748. Ordered: "That whereas, the inhabitants have no other signal for an alarum in case of invasion by our public enemies, to invert this course by beating a drum. That no person presume to beat the same after sunset unless commanded by lawful authority, and that public notice be fixed at the market-house."

At a meeting of the commissioners August 18, 1749. Ordered: "That an advertisement be put at the Court House, requiring the inhabitants to meet on Thursday morning at the Court House by 6 o' the clock, to work on the streets and to bring with them neccessary tools for that purpose.

Whereas, James Smallwood, one of the commissioners elected, is dead, it is therefore desired that the freeholders meet at the Court House on the 19th inst. and choose another in his stead.

Whereas, Moses John De Rosset hath made complaint that Ja. Campbell refuses to move his house where the billard table is from off his land. Ordered: that the said Ja. Campbell have notice of such complaint and give in his answer at next meeting. Ordered: That the necessity of buckets and ladders for extinguishing all fire, be taken into consideration at the next public meeting. Ordered: That every person whose chimney is not built 3 feet above the ridge or highest part of their house, do raise the same to that height within four months, under the penalty of 10s. proclamation for every default to be applied towards buying their buckets and ladders by the commissioners for the time being."

August 19, 1749.

Ordered: "That the dock be made 26 feet wide in the exact middle of Dock Street, that is to say 20 feet from the side where Thomas Turney lives and 20 feet from the side of the street where William Veal's houses are, according to a new

plan annexed to the act of the Assembly, entitled: 'An act for better regulating the town of Wilmington.' "

At a meeting of the commissioners held February 28, 1749. Present: Ja. Murray, William Faris, Caleb Granger. Mr. Rutherford, going to Europe, desired to be excused from qualifying as a commissioner, and commended Magnus Cowan in his room. The commissioners accordingly elected Mr. Magnus Cowan in the room of Mr. Rutherford, and he came and took the oath of a commissioner. For summoning the inhabitants of the towns, several of which attended, agreed that a tax of 1s. 6d. proclamation on each taxable by the Sheriff the present year for purchasing five ladders and leather buckets. Agreed, that Mrs. Clay be paid 1 pound proclamation quarterly for her care in sweeping the Court House each Saturday in every week, keeping the windows shut and twice a week to sweep the floor.

August 14, 1750.

The freeholders met in order to choose two commissioners in room of Ja. Murray, Esq., and Mr. Caleb Granger, who have left the province, and first they chose William Faris, Esq., and Dr. Isaac Faris to hold a pole, then on closing it, there appeared a majority of votes for Cornelius Harnett and Lewis De Rosset, and on August 15th Cornelius Harnett and Lewis De Rosset appeared before William Faris and took the usual oaths as commissioners for the town of Wilmington, and on September 25, 1750, the freeholders met in order to choose a commissioner in the room of William Faris, Esq., who had left the province, and they chose John Lyon.

Wilmington, Jan. 1, 1750.

A majority of the inhabitants having agreed to a tax of 1s. and 6d. proclamation per head to be levied on every male taxable for buying water buckets, ladders and everything necessary towards extinguishing fire, it is hereby ordered that warrants be issued out to the constable for levying the same. The tax laid on the inhabitants were paid to John Du Bois amounted to 9 pounds, 15s., out of which he has paid, as by the receipts in his possession will show, as follows:

Caleb Mason for 4 ladders	2 pounds.	
Magnus Cowan for 16 leather buckets	7 "	9s, 4d.
Cornelius Harnet for ropes for buckets		5s, 8d.

*Poll is invariably spelt pole.

Magnus Cowan delivered for use of the town, four leather buckets more, for which he is to be paid by the commissioners out of the next year's tax at the rate of 9s. proclamation money each.

June 24, 1751.

The freeholders of Wilmington met to choose a commissioner in the room of Capt. John Du Bois and John Rutherford was duly elected.

July 1, 1751.

Moses John De Rosset heretofore applied to the commissioners for liberty to build a porch to his house on the street, which was granted, but omitted to be entered, therefore, it is now ordered to be entered.

Dec. 31, 1751.

Agreed with Mrs. Clay to sweep the Court House above and below, keeping the windows shut, ringing the bells on necessary occasions for one year to commence from to-morrow, for which, she is to be paid the sum of 5 pounds proclamation out of the ensuing year's tax. A majority of the inhabitants having agreed to a tax of 1s. and 6d. to be levied on the male taxables for paying Mrs. Clay for sweeping and having care of the Court House, and the remainder towards purchasing a water engine.

Mar. 17, 1752.

Whereas, several chimneys have taken fire lately to the great hazard of the inhabitants of said town; resolved: To levy a fine of 20s. proclamation on the inhabitant of every such house without admitting of any excuse whatever. One half to the informer and the other half to the use of the town. Resolved: That any person making use of the public ladders unless in case of fire or for the convenience of sweeping of chimneys and in this last case, not without the consent of the majority of the commissioners, that such persons so offending shall forfeit the sum of 10s. proclamation money for the aforesaid.

Apr. 14, 1752.

Whereas, we are informed that sundry dogs have been and are infected with madness within the bounds of this town to the great hazzard of the inhabitants, and it is therefore ordered that every owner of dog or dogs within said town, shall immediately order such to be chained or confined in a proper inclosure until the 5th of May next, to prevent any bad consequence that may ensue by running at large, under

the penalty of 40s. proclamation money, besides a penalty occurring from the Court of assize, and we hereby give full liberty to any person or persons whatsoever, to kill and destroy any dog or dogs going at large within said town after the 15th inst., until May aforesaid.

Issued warrants to the constable for summoning all the male taxables to work on the streets on Monday 27th inst. until the 3d of May inclusive.

Whereas, we have issued warrants to the constables to summon the male taxables of this town to work on the market. Therefore, on the 27th inst. it is ordered that any person concerned in the lumber, pitch, tar or turpentine now lying ready to be landed at said landing, shall have it cleared away by the 25th inst. It is ordered that one dozen of good substantial wheelbarrows be purchased for the use of the town out of the money now in the hands of Moses John DeRosset.

January 1, 1753.

The freeholders met to choose commissioners for the ensuing year. It was agreed that Mr. William Robinson should take the pole, when on closing it, there appeared a majority of votes for John Lyon, Esq., Moses John DeRosset, Joshua Toomer, John Maultsby and Sam Green, who thereupon were declared duly elected and are hereby returned as such. William Robinson and a majority of the inhabitants have agreed to a tax, 1s. proclamation money, to be levied on the male taxables for paying a person for sweeping and taking care of the Court House and the remainder towards purchasing a water engine. Signed: Sam Green, Joshua Toomer, Moses John DeRosset.

At a meeting of the commissioners December 6, 1753, at which time a warrant was issued to Ja. Arlow, Constable, to summons all the male taxables in Wilmington to be and appear under the Court House on Tuesday the 18th inst. at 6 o'clock in the morning with proper tools to work on the streets three successive days.

Jan. 1, 1754.

The freeholders met to choose commissioners for the ensuing year, and agreed that Mr. William Robinson should take the pole, when on closing it there appeared a majority of votes for Cornelius Harnett, Esq., John Du Bois, John Lyon, Esq., Mr. John Merritt and Mr. Moses John De Rossett.

May 1, 1754.

Frederick Gregg made application to the commissioners to settle ground of a house belonging to Ja. Murray Esq., part of which being upon the said Gregg's land, viz: 3 feet four inches at the east end, and three feet 10 inches west end. Ordered: That the said Ja. Murray do pay to the said F. R. Gregg a yearly ground rent 7s. 6d. proclamation money. Ordered: That all the male taxables be summoned to work on the streets from Monday the 17th of next month to Thursday 20th inclusive.

At a meeting of the commissioners the 21st of November 1754. Whereas, several chimneys in the town have lately taken fire from the want of being kept clean to the great hazzard of the inhabitants. Ordered: That from and after the 23rd of this inst., every person inhabiting a house in said town, shall cause the chimney to be swept clean from top to bottom once every 14 days, and for failure thereof any person whose chimney should take fire after the day above mentioned, shall forfeit and pay the sum of 20s. proclamation money. Ordered: That any person who should hereafter have occasion for one of the town ladders to sweep their chimneys, shall first acquaint one of the commissioners therewith, and shall return the same to the Court House in three hours after giving such notice to said commissioner under a penalty of 5s. proclamation money for every such offense, and that no person shall presume to take any or either of the said town's ladders for any other purpose whatsoever under the penalty aforesaid.

Jan. 28, 1755.

It was unanimously agreed to lay a tax on all houses pursuant to a law passed the 19th of February 1754 to purchase a water engine or engines, buckets, etc., when the commissioners proceeded to value every house in the said town and laid a tax on the owners according to the following valuation after the rate of 1 per cent, and ordered that an advertisement be set up requiring the several persons therein taxed to pay the same to Mr. Arthur Mabson within two months from this date:

John Maultsby's houses valued at	150	pounds.
Thomas Nose	50	"
Joseph Mott	15	"
Gabriel Wayne	25	"

Magnus Cowan	50	pounds.	
Frederick Gregg	225	"	
John McKenzie	285	"	
David Lindsey	100	"	
Hugh Murray	5	"	
John Rutherford	225	"	
John Murray	250	"	
Dr. Samuel Green	275	"	
Arthur Mabson	512	"	
Ann Wright	225	"	
William Faris	150	"	
Alice Marsden	337	"	
Ja. Arlow	150	"	
George Moore	200	"	
John DuBois	375	"	
William Veal	60	"	
Thomas Finny	175	"	
Thomas Cunningham	37	"	
John Cook	50	"	
John Walker	75	"	
Annabella McVicar	29	"	
John Smith	25	"	
John Lyon	200	"	
Ann Cowan	50	"	
Caleb Mason	150	"	
Joshua Granger	210	"	
Charles Harrison	75	"	
Richard Hellier	50	"	
John Walker Tayt	5	"	
Hugh Purdie	125	"	
Benjamin Wheatley	75	"	
Alexander Mackey	75	"	
Alexander McKeithein	100	"	
David David	50	"	
Thomas James	100	"	
Joshua Toomer	25	"	
Mary Powington	37	"	10s.
Lewis De Rossett	150	"	
Ann Player	37	"	10s.
Rose Long	5	"	
John Campbell	50	"	
David Brown	100	"	
William Dry	150	"	
Armand De Rossett	25	"	

Thomas Newton	25	pounds.	
Margaret White	100	"	
Daniel Dunbibin	100	"	
John Simpson	150	"	
Cornelius Harnet	225	"	
Moses John De Rossett	150	"	
Alexander Blythe	5	"	
Ja. Campbell	187	"	10s.
Ann Walker	25	"	
Ja. Murray	15	"	

May 17, 1755.

Sir:

We have sent by Cornelius Harnet, Esq., to you 60 pounds proclamation money, which after paying you at the rate of 20 per cent. advance is equal to 37 pounds 10s. sterling money, which you will please lay out in the best manner for one water engine for the use of the town of Wilmington, the quality of which, we entirely leave to yourself and for your best information as well as your best care and speediest method of bringing it or sending for it.

We wish you a prosperous voyage, and are,

Your most obedient humble servants,

Signed: Fred Gregg,
John Walker,
John Maulsby, Jr.

To Capt. Benjamin Heron.

At a meeting of the commissioners the 30th of December 1755. A list of taxable for the year 1755:

Alexander Mackey	2	taxables.
John Rutherford	10	"
Cornelius Harnett	5	"
Ann Cowan	1	"
Marmaduke Jones	2	"
Joseph Mott	2	"
Robert Burleigh	2	"
David Brown	3	"
Walter Simpson	2	"
Hugh Murray	1	"
Louis De Rossett	1	"
Ja. Gregory	3	"
Dr. Cosmos Farquharson	1	"
Alexander Blythe	1	"

Frederick Gregg	3	taxables.
Alexander McCallister	1	"
John Maultsby	5	"
Judith Davis	1	"
Zachariah Weeks	1	"
David David	1	"
John Roe	1	"
John Du Bois	14	"
Richard Player	3	"
Sam Green	1	"
Thomas Newton	1	"
John Eide	1	"
Anthony Ward	1	"
William McKenzie	5	"
Caleb Mason	1	"
Magnus Cowan	3	"
Thomas Cunningham	2	"
John Lyon	7	"
Malcolm Smith	1	"
Joseph Geary	1	"
Alice Marsden	3	"
Anthony Du Bois	1	"
Isaac Faris	2	"
Joseph Toomer	2	"
Ja. Campbell	4	"
Benjamin Morrison	1	"
William Thompson	1	"
William Wilkins	2	"
Total	106	"

106 taxables at 1s. 6d. is 7 pounds 19s.

John Du Bois, Cornelius Harnet and David Brown having produced certificates, for work on the Point Road to Mt. Misery, as makes up their deficiencies, the same were allowed and approved of.

Received of Ja. Arlow 10s. by his own information that his chimney was on fire.

Ordered: That a warrant be issued against Benjamin Morrison and Ja. Gregory for their chimneys taking fire.

The town receipts for the year 1755, 93 pounds, 9s. 4d. Balance in the hands of John Maultsby and Arthur Mabson, 22 pounds, 17s. and 6d.

Jan. 24, 1756.

Inhabitants being summoned at a meeting at the Court House unanimously agreed to a tax of 1s. and 6d. proclamation money to be levied on all the male taxables to pay a person for sweeping and taking care of the market house, and the remainder to be applied to insuring the engine from England.

Wilmington, Feb. 11, 1756.

Capt. Benjamin Heron.

Sir—We must beg the favor of you to write to your brother for insurance of the town engine and that he will forward it by the first opportunity, for this place. Whatever the charge may be, you shall be reimbursed with a reasonable advance, and the same acknowledged as a favor done the public.

We are Sir, Your humble servants,

Daniel Dunbibin.
Frederick Gregg.
Arthur Mabson.

P. S. If any opportunity besides offering, must beg you to write to get the insurance done on the engine sent out.

March 26, 1756.

Ordered: That the inhabitants of the town will meet the commissioners at the market house on Wednesday, 31st inst. to consult on such matters as may be necessary for the good of the town. Notice to be given by ringing the town bell.

Signed: Frederick Gregg.
Daniel Dunbibin.
Cornelius Harnet.
Thomas Finney.

Whereas many accidents have lately happened by fire in the night, wherefore, we, the commissioners for the town, do hereby order and appoint that the following persons be summoned to watch this night in the said town to prevent further damage, and to secure what may be saved out of the ruins of the late fire under the directions of Mr. Thomas Finney, Commissioner, to be at the market house at 9 o'clock this evening under the penalty of 40s. each agreeable to law.

Friday, May 7, 1756.

Caleb Mason.
William Maultsby.
Joseph Mott.
Ja. Routlege.
Robert Wiltbank.
Nathaniel Sawier.

Nov. 15, 1756.

Ordered: That all the inhabitants that have not worked this present year on the Point Road to meet at the market house with axes, hoes, spades, etc., to work from Monday next to Saturday night on the public streets and wharves of said town.

Wilmington,

Freight bill to Capt. Benjamin Heron for a large fire engine, casing, &c.	57	pounds,	2s.	Ster.
Freight from London to ———	2	"	1s.	
" to South Carolina	2	"	15s.	
" from Charlestown	1	"	15s.	
Insurance at 20 per cent.	12	"	7s.	6d.
20 per cent. advance on 76 pounds	15	"	4s.	
33⅓ per cent. exchange	30	"	8s.	
Reduced to proclamation	131	"	14s.	

Daniel Dunbibin, Treasurer of the town in 1757 receives his 54 pounds, 10s.

May 24, 1758.

It was unanimously agreed to lay a tax on all houses pursuant to a law past the 13th of September, 1756 to purchasing fire hooks and paying the balance on engine due from the town, when the commissioners proceeded to value every house in the said town, and hold a tax on the owners according to the following valuation after the rate of 1 per cent. ———.

John Maultsby's houses valued at	40	pounds.
Thomas Nose	40	"
Gabriel Wayne	20	"
*Mason's Lodge	140	"
Magnus Cowan	50	"
Frederick Gregg	225	"
John McKenzie	300	"
David Lindsey	100	"
John Rutherford	200	"
John Murray	240	"
Samuel Green	250	"
Arthur Mabson	400	"
Ann Wright	150	"

* Whether this means that Caleb Mason had premises known as Mason's Lodge, or whether the Masonic Order had a lodge is uncertain. It is commonly said that the Masonic Lodge was organized at Finian, the home of William Hooper, at Masonboro, prior to the Revolution. Perhaps there was an earlier one at Wilmington.

Alice Marsden	500	pounds
James Arlow	50	"
George Moore	150	"
John Du Bois	450	"
William Veal	60	"
John Kennedy	25	"
John Nesfield	25	"
William Bartram	25	"
William Robinson	25	"
Jeremiah Keenan	25	"
Ja. Cunningham	200	"
John Walker	60	"
James Henderson	50	"
Marmaduke Jones	50	"
Annabella McVicar	15	"
John Lyon	225	"
Ann Cowan	40	"
Caleb Mason	160	"
Charles Harrison	50	"
Ja. Campbell	200	"
Hugh Purdie	100	"
Benjamin Wheatley	100	"
Alexander McCoy	60	"
John Garem	30	"
Alexander McKeithen	75	"
Thomas James	125	"
Mary Gallat	25	"
Lewis De Rossett	125	"
Ann Player	25	"
Rose Ross	5	"
John Campbell	40	"
David Brown	150	"
Armand De Rossett	5	"
Thomas Newton	150	"
Mary White	100	"
Daniel Dunbibin	100	"
John Simpson	100	"
Cornelius Harnet	200	"
Moses John De Rossett	150	"
Clayson Blythe	5	"
Ja. Campbell	150	"
Jacob Miller	80	"
Anthony Ward	200	"
Ja. Gregory	150	"

Walter Simpson	5 pounds
John Corbyn	100 "
Ralph Taylor	150 "
William Barnes	75 "

July 26, 1759.

Entered into an agreement with Mr. Alexander Duncan to keep the fire engine and hose in order and oyld, and to play it once a month, for which care, two of his family is exempt from working on the streets.

On the 15th day of January 1760 the Governor, Arthur Dobbs, issued his letters patent in the name of George Second by the grace of God of Great Britain, France and Ireland, King, Defender of the faith, etc., and constituting and erecting the town of Wilmington into a borough by the name of Wilmington, consisting of a Mayor, one person learned in law for bearing the office of Recorder*, and eleven Aldermen including the Mayor; with power for the freeholders of said Borough on the first Monday in January of every year, to elect and choose one of the Aldermen to be Mayor and with the ordinary powers of a Borough, when John Sampson was appointed the Mayor, Marmaduke Jones, Recorder, William Dry, Cornelius Harnet, John Lyon, Frederick Gregg, Caleb Granger, Daniel Dunbibin, Authur Mabson and Moses John De Rossett, Aldermen, who held their court on the 4th day of March, 1760, and ordered "that if any person would undertake to be a public chimney sweep for the town of Wilmington, that they would give in their proposals at the next Court and likewise, if any chimney caught afire before the said time, that the dweller in said house should pay 40s. proclamation."

Note--Several times each year all the taxables, with the able bodied men, black and white, of the town, were called out to work from 3 to 6 days at a time on the streets and wharfs and on the road from Pt. Peter to Mt. Misery.

There was usually a long list of defaulters. In the July working 1760, the list is unusually short: we copy it: Marmaduke Jones, John Jones, James Blythe, Alex. Ross, Jeremiah Keenan, William Purviance, William Brown, Robt. Walker,

* Marmaduke Jones is said to have come to Wilmington from Jamaica; was the attorney-general of the province in the stamp act troubles and held that that law should be enforced.

Robert Shaw, Malatiah Hamilton, Thos. Bevers, Henry Erly, Thos. Davis, Joshua Toomer, Wm. McDowell, John Quinie, Obediah Holt, *Thomas Godfrey, Charles Appleby, Isaac Ray.

Note–Thos. Godfrey was a son of the mathematician Godfrey, of Philadelphia, with whom Dr. Franklin boarded. Of him Dr. Franklin said: "Among the first members of our junta was Thomas Godfrey, a self taught mathematician, great in his way, and afterwards inventor of what is now called Hadley's quadrant." The son was born in Philadelphia in 1736. When 22 years of age he became a Lieutenant in the provincial troops raised for an expedition against Ft. Duquesne. When the troops were disbanded he came to Wilmington and established himself in business there, but unhappily died on August 3, 1763 in the 27th year of his age in consequence of violent exercise on a very warm day.

He was gifted as a poet. His principal poem was "The Court of Fancy." He was the author of the first American Drama "The Prince of Parthia." His poems were published in 1765 at Philadelphia.

Jan. 3, 1763.

The Mayor, Recorder and Aldermen together with the Freeholders, met at the Court House in Wilmington to vote and choose an Alderman in the room of Joshua Toomer, deceased, when Mr. William Campbell was chosen Alderman for the said Borough and qualified agreeable to the charter, and at the same time, Alderman Frederick Gregg was chose by a majority of votes to be Mayor and qualified for the same agreeable to the charter.

Tuesday, Jan. 3, 1764.

The freeholders met at the Court House in Wilmington to choose Commissioners for the said town for the ensuing year, whereas there appearest that Alexander Duncan, Esq., George *——— , William Campbell, Henry Toomer and Caleb Mason were chosen and thereupon declared duly elected and are hereby returned as such.

On Monday the 7th of January in the year of our Lord,

*Probably George Moore.

1765, the Mayor, Recorder, Aldermen and freeholders of the Borough of Wilmington met at the Court House therein in order to elect and choose a Mayor for the present year and Alderman Frederick Gregg was chosen and accordingly declared duly elected.

Note—It appears in this record of the proceedings, that beginning with January 1764, the charter creating Wilmington a Borough was ignored and commissioners were elected by the people of the town instead of a Mayor and Aldermen, but that in the following year, 1765, the Borough Charter was enforced when Frederick Gregg was elected Mayor.

On Monday 29th day of January 1765, the Mayor, Aldermen and Freeholders of Wilmington convened in common council at the Court House therein. Present: The Worshipful Frederick Gregg, Esq., Mayor, Cornelius Harnet, John Lyon, John Du Bois, Samuel Green, Moses John De Rosset, William Campbell, Esq., as Aldermen together with the freeholders, viz: John Corbin, Alexander Duncan, Archibald McClaine, John Burgwin, Anthony Ward, William Wilkinson, Ja. Morgan, Malatia Hamilton, Mortimor, Alex. Ross, William McKenzie, Benjamin Stone, Caleb Mason, Thomas Cunningham, David Brown, Magnus Cowan, Robert Wells, Robert McCrackin, Richard Player and Stephen Player: When the Goat Law was read with the amendments and passed and ordered to be ingrossed. Resolved: That the following rule be observed by the Mayor, Recorder, Aldermen and Freeholders in all debates: "That the party speaking, should not leave the subject in debate to fall upon the person of any member of the common Council or other person; and whereas great abuses are daily committed by mixing milk with water and other such mixtures and afterwards exposing such milk for sale in the said Borough, be it therefore ordained, etc." A negro law read and passed with amendments. It is resolved and ordered that Cornelius Harnet, John Du Bois and John Burgwin, Esq. and Mr. Archibald McClaine, revise, correct and alter the diction of the said negro law when necessary and that the same be engrossed.

At a meeting of the Mayor, Recorder and Aldermen at the house of Mr. Hamilton on Saturday the 26th of October, 1765. Present: The Worshipful Frederick Gregg, Esq., Mayor Marmaduke Jones, Esq., Recorder, etc. Ordered: That the

Town Clerk give notice to the freeholders to meet at the Court House on Wednesday next, the 30th of October to elect an Alderman in the room of Caleb Granger, deceased.

Wednesday, October 30, 1768.

The Mayor, Aldermen and Recorder together with the Freeholders of the Borough of Wilmington met at the Court House therein agreeable to the order and notice given to the same in order to appoint, elect and choose an Alderman duly qualified in the room of Alderman Caleb Granger, deceased: when John Burgwin, Anthony Ward and Caleb Mason, were candidates for Alderman, at the closing of the pole the number of votes for each candidate stood thus: For John Burgwin 1 vote; for Anthony Ward 5 votes, and for Caleb Mason 15 votes, and Caleb Mason was declared duly elected.

On Monday the 6th day of January in the year of our Lord 1766, the Mayor, Aldermen and Freeholders of the Borough of Wilmington met at the Court House therein in order to elect and choose a Mayor for the present year and Alderman Caleb Mason was declared duly elected Mayor for this present year.

On Tuesday the 14th day of January 1766, at a meeting of the Aldermen of the Borough of Wilmington, when Caleb Mason, Esq., who having been chosen Mayor for the ensuing year and refusing to qualify for the same; begged leave to resign the said office, and resigned accordingly. The consequence of which resignation, the Alderman ordered that the Town Clerk give public notice to Recorder, the Alderman and the Freeholders of this Borough, that on Monday, the 20th day of this instant, January, to meet at the Court House therein, in order to elect a Mayor for the same in the room of Caleb Mason, Esq., resigned.

On Monday, the 20th day of this instant, January, agreeable to the order of the board of Aldermen, the Alderman and Freeholders of the Borough of Wilmington met at the Court House therein, in order to elect and choose a Mayor for this present year instead of Alderman Caleb Mason, Esq., resigned. Present: John Sampson, John Lyon, Frederick Gregg, Cornelius Harnett, Arthur Mabson, William Campbell, Moses John De Rossett, Board of Aldermen: and John Burgwin, Thomas Cunningham, Samuel Marshall, Richard Player, Robert Wells, Stephen Player, Jeremiah Keenan, Robert McCrackin, Alexander Ross, Henry Toomer and William Wilkin-

son. At which time, Alderman Moses John De Rossett was chose Mayor by a majority of votes and was publicly declared as such, after which he took the State oaths and the oath of office, agreeable to the charter of said Borough.

Note—As this was after the seizure of the merchant vessels under the Stamp Act, the refusal of Mason to qualify as Mayor, and the election of De Rossett as Mayor, and the patriotic action of the Mayor and Aldermen in that matter seems to show that there was a particular purpose in substituting De Rosset for Mason as Mayor at this juncture.

Tuesday, Feb. 11, 1766.

Pursuant to the command of His Majesty's Writ of Election to the Mayor, Recorder and Aldermen of this Borough, to choose and elect a Representative of the same to sit and vote in the General Assembly of this province, I proceeded to take the pole, when Cornelius Harnet, Esq., was unanimously chosen to represent this Borough.

Signed: Moses John De Rossett, Mayor.

Monday, June 23, 1766.

Pursuant to an order of the Worshipful Mayor at the Court House at the Borough of Wilmington at 9 o'clock in the forenoon, the pole opened with the election of Recorder in the room of Marmaduke Jones, Esq., resigned, when William Hooper, Esq., was unanimously chosen Recorder of this Borough and took the State oaths together with the oath of office and signed the test.

(Note— Dr. E. A. Alderman in his fine sketch of William Hooper says he came to the Cape Fear in the fall of 1767. He seems to have come more than a year earlier.)

Tuesday, Jan. 16, 1768.

The Freeholders of the town of Wilmington met at the Court House to choose commissioners for the present year and Mr. Alexander Scott and Mr. John Walker was agreed to take the pole and on closing it, the following persons appeared to be chosen unanimously: Mr. Harnet, Mr. Lyon, Mr. William Campbell, Mr. Ward and Mr. Toomer.

(Note—The Records between June 1766 and January 1768, does not appear in this volume, and in January 1768 the town

seems to have gone back to commissioners and the Borough Charter was disregarded.)

Tuesday, January 3, 1770.

The Freeholders for the town of Wilmington met at the Court House to choose commissioners for the present year and Mr. Anthony Ward was agreed to take the pole and on closing it, the following persons appeared to have the greatest number of votes, viz: Cornelius Harnet, Frederick Gregg, Arthur Quince, William Wilkinson and John Robinson, and they were thereupon declared duly elected.

Tuesday, Jan. 5, 1773.

Ordered: That the Constables be summoned to show cause before the Commissioners on Monday next why they shall not be fined for not walking the streets and taking up the negroes on the streets according to the ordinances in such cases made.

At the meeting of the commissioners on the first Monday in February, being the 7th day of February 1774, ordered: That the Town Clerk advertise in the Cape Fear Mercury for the proper person to undertake the office of Scavenger of the town, and also that the inhabitants have notice to assemble on Wednesday at Mr. Dekeyser's to consider of the [1]address drawn up and already signed by the County to their representatives and to concur therein: Signed: A. M. McClaine, J. Burgwin, John Ancrum, Richard Player.

At a meeting of the Commissioners at the town of Wilmington on Tuesday, 14th day of June, 1774. Present: John Burgwin, John Ancrum, Archibald McClane and Richard Player, Commissioners. Ordered: that a Ducking Stool be provided for the use of the town and that the same be paid for out of the town tax.

Note—The record seems not to have been kept in this book between Monday, January 2nd, 1775 and January 1778.

Tuesday, January 6, 1778.

The Freeholders of the town of Wilmington met and choose John DuBois, Phillip Bradley, John Corkwood, Andrew Ronaldson and Henry Toomer Commissioners.

[1] This reference is doubtless to some patriotic resolutions signed already by the County, in which it was taken for

granted that the inhabitants of Wilmington would concur, and the Board gave them notice to assemble and "concur therein." These particular resolutions have not come down to us. It is to be regretted that the Town Book is so devoid of reference to the great matters of public interest that occurred during the Stamp Act troubles and in the early stages of the Revolution; but this is the only mention of any matter outside of the regular course of city administration.

LETTERS OF A LOYALIST.

As giving a glimpse of life in the New Settlement on the Cape Fear we make some extracts from "The Letters of a Loyalist," being the letters of James Murray, who, a young man in London, because of the recent appointment of Johnston as Governor of North Carolina, was led in 1735 to seek his fortunes on the Cape Fear. He brought over with him a varied assortment of merchandise, supposed to be suited to the country. This he opened in Charleston, and exposed for sale at Brunswick, but he found no demand for "wigs."

The next year he located at Newton, where shortly afterwards other members of his family joined him; and his sister Barbara soon married Thomas Clark, and became the mother of Col. Thomas Clark, of the Revolution, and of Anne Clark, who became the wife of William Hooper. James Murray made several trips to London, and was often absent from the Province. He was one of the Governor's Council and a man of great influence.

James Murray to William Ellison.

Brunswick 14 Feby. 1736.

We sail'd from Charles town the last day of Decr & came over the bar of Cape Fear the 2d of Jan'ry & camped ashore all night by a good fire in the woods. Next day we got up to this town. I intended to have gone up to New town, alias New Liverpool, but was told there was no house to be had except I built one: so was oblig'd to bring all ashore here, where I have got a good convenient house on rent, which I

shall keep until I can purchase a few slaves and a plantation in the country where I can have all kinds of provisions of my own raising. Here I am obliged to pay no less than 17 to 20 s. p. Bushel this money for corn, and 10, 12 & 14d p. lb for meat. I am told this place is every bit as healthy as New town. There is a great emulation between the two towns.

* * But if you send him a fresh supply it must be in something else than wigs for I have not been able to sell one of them, though I open'd them both in Charles town and here.

James Murray to David Talligluph.

Brunswick 31 March 1736.

Dear Sir

Since my last of ye 21 ulto. have been up ye northeast branch of this river about 180 miles from the mouth of it. We found a little difficulty in getting up and down, with our canoes, which were deep loaded, by reason of logs lying across: but ye river was clear, we had 6 foot water as far as we went and an easy current.

Newtown Jan 10 1737.

I can write you nothing entertaining from this, but from the number of Irish and Swiss that are soon expected here, some of us imagine the prosperity of the country and happiness of its inhabitants in general to be at hand. (After a nine months residence at Brunswick) I bought a house and lot in this town where I now live and immediately after purchased a plantation within fifteen miles of about 500 acres. The one cost me £1000, the other £500 this currency.

Brunswick May 3, 1736.

I was up at Brampton last week, where I saw ye Gov. & Capt. Woodard in good health. Ye last has had a gentle fit of ye gout since he came from ye North East, but that expedition was of service to his Excellency's health, & Capt. Innes, & I grew fat on it.

(Note. Gov. Johnston, at first it seems proposed to have a palace at Brompton on the north west Branch of the Cape Fear. He seems also to have purchased the premises of Robt. Hilton near Wilmington.)

Newton Jan 10 1737.

Your Swiss families are very well, &c. We are very upish upon Capt Woodard, Mr Johnston, Capt Rowan and Capt Innes*, each of them, purchasing a good lot in this town which thrives apace.

*(Note. Capt. James Innes, after distinguished service with North Carolina troops, was appointed by Gov. Dinwiddie of Virginia to the chief command of all the forces to oppose the French and Indians in 1754. Capt. Rowan, afterwards President of the Council, and acting Governor; Governor Johnston.)

——"For all my complaints a man with a moderate fortune and tolerable management, may live very happily and plentifully here. I cannot say he has it in his power to make a great fortune at once."

Being in London, Dec. 20, 1738, James Murray wrote to John Parker, one of the incorporators of Newton:

"I have observed in you a justness of thought and generosity of temper that I would endeavor to imitate wherever I found it," &c.

(Note. John Parker was a son-in-law of Col. Maurice Moore, and his daughter, Mary Parker, became the wife of Gov. Sam Ashe. The Moores were particularly interested in Brunswick, and, when Murray espoused the cause of Newton, animosity resulted which doubtless led to the tribute to Parker. Murray returned to North Carolina early the next summer bringing with him John Rutherford, who afterwards played a leading part in North Carolina matters.)

Cape Fear Sept 4 1739.

We are in hopes this war will drive some of ye southern settlements to us. T'is a bad wind that blows nobody good.

(Note. That Spanish war was an episode in the life of the colony. North Carolina raised four companies for General Oglethorpe's expedition against St. Augustine. That expedition having failed, these companies, Captain James Innes were sent to Jamaica.)

"Nov 26. They have just put to sea with letter of marque, and to make the best of their way to Jamaica, where they expect to meet the English forces as well as those of America."

Wilmington, Cape Fear, 5th September 1741.

Since I begun this letter 5 days have elapsed in which time I have taken my passage and Cousin John's on board the Leathly, Peter Harrison Com'r for London. And that we may have some money to spend among the Spaniards in case we should be nabbed by them. I have by this opportunity ordered £500 Ster. insurance against capture: ie: 300£ for self and 200£ for Cousin John.

Wilmington 11 May 1741.

In my house there is a large room 22 x 16 feet the most airy of any in the country, two tolerable lodging rooms & a closet upstairs & garrets above. A cellar below divided into a kitchen with an oven and a store for liquors, provisions &c. this makes one half of any house. The other, placed on the east end, is the store cellar below, the store and counting house on the first floor & above it is partitioned off into four rooms, but this end is side plaistered, but only done with rough boards.

Cape Fear Feb 26, 1755.

I have about 100 thous'd bricks burnt & am to begin my house, if the bricklayer keeps his word, early next month.

To Mr. Sampson Simpson, Merchant in New York.

Cape Fear Sept 4, 1756.

If you can meet with a sober, diligent man, with or without a family, skilled in tanning and currying, I desire the favor of you to engage him for me for three years, &c.

* * I am also in need of a good sawyer to tend a saw mill, which, when well tended and in a common year, will cut about 100 thousnd feet &c. To such a one I would be willing to give a tenth part of the lumber sawn. If Mr Franklin would send me his Gazette postage free, it should be punctually paid for & it would also oblige our President who is my next neighbor. (President Rowan).

July 19, 1756.

I find also by a trial that my overseer, a Swiss, has made, both this year and last, that silk may be made here to just

advantage. The worms thrive uncommonly, fed with the leaves of the wild mulberry. Whether they will be equally healthy upon the Italian, I shall know, as I intend to plant out 2000 trees next year.

Note by K. P. B. The following information about some of the founders of Wilmington may be interesting:

Wimble was a mariner. He made a map of the Province.

Michael in 1751 gave the lot on the corner of Market and Fourth Streets for a church, but as it was not sufficient for both edifice and burying ground, the General Assembly authorized the use of thirty feet of Market Street for the front of the building. It occupied that part of the street until 1839.

During the French and Indian War troops were raised in North Carolina that served in Virginia, Pennsylvania, and on the lakes in New York, as well as in South Carolina, and the western part of North Carolina. Among the officers of these troops were Col. Caleb Grainger, mayor of the town in 1765, Col. James Innes, Col. Hugh Waddell, Captain Thomas McManus, Captain James Moore and Lieutenant Moses John DeRosset, afterwards Mayor.

THE LOCATION OF SMITHVILLE.

BY JOSHUA POTTS.

Matters, even of consequence, have sometimes originated more by chance than design. A number of instances might be cited. It was the case relative to Smithville though a place not yet of great importance. The first movement happened as follows:

About the year 1786 Joshua Potts, the writer hereof, then living in Wilmington, was taken sick and by medical attendance had got better but, notwithstanding, still continued very weak and a loss of appetite, etc. So it happened that his old friend, Capt. John Brown, who had been master of a packet that plied between Wilmington and Charleston, meeting me one day, asked me take a sail with him in an open boat down the river, saying that the salt air might recruit me, etc.

Accordingly, debilitated as I was, I proceeded with him down the river Clarendon, or Cape Fear, in an open boat, being at the time only able to sit up. Capt. Brown had put on board some eatable refreshments, but I had no thought of partaking any. We had not proceeded further down than opposite the New Inlet when Capt B. asked me to eat something. I listened to what he said, and discovered an inclination to partake of such cold collation as he had set forth. My appetite returned and in a day or two I felt myself braced up by the effects of the salubrious breeze from the sea, although I was exposed in camping out, etc., for at that time there were only two or three pilots' houses on the bank. I returned to Wilmington in a few days perfectly recovered.

I was at that time single, but in a year or two more became a married man and in a summer season determined that my family should retire from Wilmington to Fort Johnston and there experience the cool and healthy sea breezes. Accordingly I carried my then small family down to the Fort, and

rented the loft of a pilot house (Joe Swain's), where we were all stowed away, breathing health and rough pleasure.

While thus living a fisherman's life, I received a letter from John Huske, Esq., of Wilmington, then in low health, on the subject of having a town laid off on the level, near Fort Johnston. Mr. Huske wished to reside there for the sake of his health. This letter was dated Wilmington, October 18th, 1790, and it is herewith enclosed, No. 1.

Mr. Huske would have called the proposed town Nashton had an act of the Assembly been passed—concerning which intelligence shall hereafter be given.

Mr. Huske was the first mover of a town near the Fort, and I myself was to become the operator. I stepped off the ground from the old Fort southward to the first small creek. The distance was shorter than what was wished. I accordingly wrote Mr. Huske; notwithstanding I was prevailed on to form a petition to be circulated through Brunswick county, setting forth the prayer of the inhabitants that an act of the Assembly might be passed for the establishment of such a town.

The said petition accompanies the report, No. 2, J. Potts having written said petition was applied to for it by Charles Gause, Esq., a leading inhabitant of Brunswick county, who undertook the exhibition of it in order to obtain subscribers' names. This was performed and introduced to the General Assembly which in that year sat at Fayetteville.

The whole intention was unexpectedly opposed by Gen. Smith who was then a member of and for Brunswick county. It was said he supported his negative role on account of two or three pilots who had built their houses, by public permission promiscuously on said land—as it was, however, he had influence sufficient to stop the proceeding in the Assembly, and thus ended the prospects of a town at that time.

Some people in Wilmington and others in Brunswick county, being disappointed in their expectations of a town were said to have imputed the opposition of Gen. S. to the cause, not of pilots, but that he had not been previously consulted in and about the business.

Now, so it was that the old Fort Johnston as well as the surrounding lands was the property of the State of North Carolina, and that power alone the petitioners had relied on for the grant alluded to.

Capt. John Brown and Joshua Potts determined, however, not to abandon the place, and fearless of any molestation proceeded to occupy as a temporary residence for Summer and Autumn, each a few square feet near the shore, and accordingly proceeded to have each a cabin formed and framed in Wilmington and procured a sufficiency of boards and shingles to complete these; employed a pettiauger and put on board the frames and other materials of both houses, engaged carpenters with their tools and both families of said John and Joshua, with plenty of provisions, etc., all together went on board the lighter at Wilmington, arrived at Fort Johnston and there landed the whole.

In a few days afterwards we had erected each a summer house, in a temporary manner, near the water, between where is now Mrs. Wade's and the beach. The said two houses, or camps, had not chimneys of any kind, and only rough shutters to the windows, (no glass) the whole of the saw mill roughness, as a plane had not been used about them. Our two families were thus coarsely encamped; and instead of a kitchen our cooking fires were made among thick bushes near hand, which screened the inconvenience of the wind, but rain would sometimes moisten our cooking and depredating hogs would run off with our hot cakes in their mouths.

In this way our families enjoyed health, cool breezes and a coarse way of living several Summers. In the meantime Capt. B. and myself became expert fishermen.

During these rugged scenes there was no town laid off, and only a few neighbors, pilots and their families.

The first twelve months had nearly expired after the failure of the bill at Fayetteville and the General Assembly were next to sit at Newbern. Who should come in my cabin at the Fort but the same old Mr. Charles Gause whose business was

to get me to write and renew the petition for the establishment of said town. I remember reminding Mr. Gause that any such attempt must be of no use as no doubt Gen. Smith would oppose it as before. Mr. Gause replied in a positive voice that if I would copy off the petition he would advocate it as before, and that Gen. S. should not be sent to the Assembly unless he would use his endeavors to have a suitable act passed for the intended purpose. (The election was then pending.)

Conformably to the request of Gause I then wrote off a new petition, much after the tenor of the first.

The venerable old man made his word good. Gen. S. was elected, went to Newbern and assisted to get the act passed and which is herewith enclosed. See No. 3—passed at Newbern, November session, 1792.

The writer hereof remembers hearing Gen. S. say, when he returned from the Assembly, that on his making a motion and offering the bill for the act Mr. Macon or some other respectable member made an observation that many applications had been acted upon for different towns in the State, but that few, if any of them, had succeeded; that the said worthy member said as Gen. S. has applied in behalf of this petty town, it should be called Smithville, as if by way of derision to the applicant, should the town, (like many others) not succeed.

The next desirable object was to secure my attention and services in laying off and beginning the necessary operation to form the town; see a letter from Gen. Smith dated Belvidere, January 29th, 1792, No. 4.

By reading over the first act of the Assembly, No. 3, it will be seen that the town was to consist of one hundred lots, with streets and squares; that each subscriber should pay forty shillings or four dollars, to the State, for each and every lot of half an acre he might determine, but no one person might subscribe to more than six lots, that many might have a chance.

The plan of the town was at length sketched off by Gen Smith and J. Potts, and the lots numbered thereon, from No. 1 to No. 100. Meanwhile all the lots were subscribed for—

The rest of the manuscript, and also the documents referred to, are lost. Mr. Potts was a leading citizen of Wilmington.

EXTRACTS FROM THE DIARY OF GENERAL JOSHUA G. SWIFT.

Gen. Joshua G. Swift, extracts from whose memoirs we present in this issue, was for a number of years the distinguished head of the United States Engineer Corps, and gained much reputation in the army during the War of 1812. In early life he had charge of the defences of the lower Cape Fear River, and while stationed here married the daughter of Capt. James Walker, a family resident in our annals, and by whom he had issue Capt. Alexander Swift, also of the Engineer Corps, who was a brilliant and accomplished officer and who died from disease contracted in Mexico during the war with that nation, and McRee Swift, now we think a resident of New Jersey, and others whose names we cannot recall.

There were few men in the service more prominent than Gen. Swift, and deservedly so, too, from his high character, his attainments, and the unbending integrity which marked every action of his life, public and private. It is pleasant to remember that such a man was so closely connected with Wilmington and that many of his family connections are still living in the State and are among our most prominent and highly esteemed citizens.

His memoirs, or rather his diary, is valuable and exceedingly interesting, and his descriptions of social life on the lower Cape Fear in the long ago are simply charming. There is a quiet dignity in his style that is very attractive, and his statements regarding individuals and events are calmly and forcibly expressed, and bear upon their face the stamp of undoubted truthfulness.

The following is the official statement of his military career: He graduated from the Military Academy at West Point in 1802; promoted second Lieutenant Corps of Engineers in the same year; first Lieutenant in 1805; Captain in

1806; Major 1808; Aide-de-camp to Major General Pinckney, 1812; Colonel and Chief Engineer, 1812; Chief Engineer of the Army, under Major General Wilkinson in the Campaign of 1813, on the St. Lawrence River; and of the forces for the defence of the City and Harbor, 1813 and 1814; brevet Brigadier General, 1814, "for meritorious services"; Director of the Military Academy, 1812-'15, and Superintendent, 1816-'17; Inspector of the Academy, 1815-'18; Resigned, 1818; Surveyor of U. S. Revenue for port of New York, 1818-'27; Civil Engineer in the service of the United States for harbor improvements on the Lakes, 1829-'45. Degree of LL.D. conferred by Kenyon College. Residence, Geneva, N. Y.

In the spring of 1803, Cadet William McRee of Wilmington returned to West Point with Colonel Williams,* Chief of the Engineer Corps, who had been stationed at Wilmington and Charleston.

1804. "At the close of the month of April I received orders from the War Department to repair to North Carolina and examine the harbor of Cape Fear, and to report a plan of defence therefor, and also to direct the execution of a contract with General Benjamin Smith of Belvidere, to construct a battery at the site of old Fort Johnston, in Smithville, of a material called 'tapia'."

"On my route to the South had appointed to visit my former chief, Colonel Williams, to learn what had been his views of the works needed in the harbor of the Cape Fear. I found him at his country seat, Mount Pleasant, near Philadelphia, on the Schuylkill, in the month of May. The colonel introduced me to the family of Mr. Clement Biddle, formerly quartermaster-general of Washington's army; the family an intellectual group living in enviable harmony. And I also renewed acquaintance with Colonel Cadwallerf. Colonel Williams gave me letters of introduction to Joshua Grainger Wright, Esq., General Benjamin Smith and Mr. John Lord—gentlemen of Wilmington, North Carolina. The remembrance of the disinterested friendship of Colonel Williams forms one of the brightest reminiscences of my life."

* Col. Jonathan Williams. Lawyer, juriit, Congressman, author, Superintendent West Point, Colonel of Engineers, General of Militia. Died 1815.

† This is probably Cadwallader.

"In prosecuting my journey to North Carolina I had the pleasure to accompany General Marshall to Raleigh, where the United States Supreme Court was to hold session. The chief justice is sometimes an 'absent man'. As an instance, he came on this occasion from home in a dark blue silk dress without an overcoat. It gave me pleasure to take from my trunk and lend him a new blue cloth cloak, that my father had given me, the stage ride being on a chilly morning. On our arrival at High Towers Tavern, near the border of the State, the general made a mint julep, the first of those drams that I ever saw."

"Proceeding by the right bank of the Cape Fear River to Negro Head Point ferry, opposite Wilmington, I arrived at Mrs. Meek's boarding house in that town on the anniversary of the battle of Bunker Hill, and on that day reported myself by letter to my chief, Major Wadsworth at West Point, using the day and 1775 as the figurative date of my letter by way of friendly memento. After presenting my letter of introduction I took packet for Fort Johnston, and there paid my respects to the commandant of the post, Lieutenant John Fergus, an uncle of Cadet McRee, and commenced a happy acquaintance with the surgeon of the post, John Lightfoot Griffin, and with whom established our quarters at Mrs. Ann McDonald's. Here I met also General Benjamin Smith, and to the last of the month had conferences with him as to the best mode of executing his contract with the war department in the construction of a battery on the site of the old Fort Johnston, Smithville.

Early in July I employed Mr. Wilson Davis, one of the most intelligent of the pilots, and with this aid I sounded the entrance over the main bar of shifting sand into the harbor of Cape Fear, and also the entrance at the new inlet, and then viewed the capacity of the anchorage within, together with the relative position of the several points of land near the entrances, of which I made a plot, and upon which I based my report of 26th of July to the Secretary of War. The substance of this report was that the main objects to be secured were those that had been set forth by my late chief, Colonel Williams, to wit: to cover an anchorage in the harbor and to command its entrance by a small enclosed work on Oak Island, and an enclosed battery at Federal Point, at the new inlet, and also to complete the battery of tapia at the site of old Fort Johnston, the last being contracted for by General B. Smith.

Pending the decision of the war department upon this report, much of the summer was a leisure among agreeable families from Wilmington, that passed the warm season in slight frame houses at 'The Fort', as the village of Smithville is called. Among these was the family of Captain James Walker, to whose daughter Louisa and her cousin Eliza Younger, I was introduced at a dinner given to Dr. Griffin and myself by Captain Walker. There were the families of Mr. John Lord, and of the founder of the place, Mr. John Potts, and of General Benjamin Smith, who was to construct the public work under a contract, and of Captain Callender, the surveyor of the port, who had been an officer of the army in the war of the Revolution, etc. General Smith became the governor of the State. He owned a large extent of property on Cape Fear River, and was of the family of Landgrave Thomas Smith, the colonial governor of South Carolina in the preceding century. He had become security for the collector of the port of Wilmington, who was a defaulter to the government, and it was to discharge this liability that General Smith had contracted to build the 'tapia' work at 'The Fort'. His lady, Mrs. Sarah Dry Smith, was highly accomplished, and was an hospitable friend to Dr. Griffin and myself, and one of the finest characters in the country. She was the daughter and heiress of Colonel William Dry, the former collector in the colonial time, and was also of the king's council. This lady was also a direct descendant from Cromwell's admiral Robert Blake. There was also residing at 'The Fort' the family of Benjamin Blaney. A native he was of Roxbury, near Boston. He had migrated to Carolina as a carpenter, and had by industry acquired a competence to enable him to dispense aid to the sick and needy and other charities, in the performance of which he was an example of usefulness and charity, and unostentation. Most of the families at the fort were Federalists, and though all deplored the event, they were the more sensibly impressed with the news of the death of Alexander Hamilton, who in this month of July had been slain in a duel with Colonel Burr, the account of which had been written to me by Colonel Williams. The whole Union was in a measure moved to grief by this sad event. Colonel Hamilton occupied a large space in the public mind. He had been the able leader of Federalism—a class of men who may in truth be said to have been actuated by far higher motives than those of mere party."

"In my excursions on the waters of Cape Fear I was aided

by Captain Walker, Dr. Griffin and Mr. Blaney, who as sportsmen were familiar with the numerous shoals and channels and anchorages thereof, so that the returns were not only in game, but also in giving me knowledge of the capacity of this harbor, situate as it is on one of the most shallow and troublesome coasts to navigators. The anchorage, covered from the ocean by Bald Head, or Smith's Island, extending from the main bar to the new inlet, and upon which island there is a growth of live oak and palmetto, and abounding with fallow deer.

"Intimacy with Mr. Walker furnished me with many items of the war in Carolina, with which he was familiar, although not partaking of the battles, for he had been a moderate Tory, adverse to taking arms against the mother country, in which his friend and brother-in-law, Louis DeRosset, had influenced him. Mr. DeRosset was of the king's council. Mr. Walker had been the executor of General James Moor* the planner and director (*sic*) of the American force at the battle of Moor's Creek, fought by Lillington and Slingsby. From the papers of that officer he had gathered many an anecdote of the march of Cornwallis. Mr. Walker had been in the regulating war of 1770, and then commanded a company in the battle of Allamance, in the western part of the state. He was cured of much of his Toryism by the tyrranical conduct of Major J. H. Craig, the British commandant at Wilmington, afterwards governor-general of Canada. The conduct of this man had been oppressive and needlessly cruel to the people of Wilmington, and Captain Walker had been able to influence some relief to those who were in arrest, etc. He with his brother-in-law, John DuBois, had been appointed commissioners to arrange the cartel of prisoners, and to negotiate for the families who were to leave Wilmington therein when Cornwallis marched to Virginia, thus showing the confidence that both Whig and Tory had reposed in those gentlemen. Mr. Walker's family were of the settlers called 'Retainers', coming from Ireland under the auspices of Colonel Sampson, and of his father, Robert Walker. Among the families of these 'Retainers' were those of the Holmes, Owens, and Kenans, etc., now become independent planters and distinguished citizens. The father of Captain Walker, the

* It is disputed whether General Moore planned this battle. The General Assembly, by resolution, thanked General Caswell. The friends of General Lillington claim the honor for him.

above Robert, was of the same family with that of the Protestant hero, the Rev. George Walker of Londonderry. The mother of Capt. Walker was Ann, of the family of Montgomery, of Mount Alexander, in Ireland, and had made a runaway match with Robert Walker. Capt. James Walker married Magdalen M. DuBois, the daughter of John DuBois and Gabriella DeRosset, his wife."

"In the month of September, in reply to my report of 26th of July, I received orders from the war department to proceed with so much of the work therein contemplated as was embraced by General Smith's contract upon the tapia work at the site of old Fort Johnston, that had been there constructed by the then colonial Governor Johnston from *South Carolina Anno 1740. In clearing away the sand I found much of the tapia walls then erected finer in their whole length, on a front of the ordinary half bastion flanks and curtain of two hundred and forty feet extent, far superior to our contemplated plan for the battery of tapia.

"Soon after this the slaves of General Smith commenced the burning of lime in pens, called kilns, formed of sapling pines formed in squares containing from one thousand to one thousand two hundred bushels of oyster shells (alive) collected in scows from the shoals in the harbor—there abundant. These pens were filled with alternate layers of shells and 'lightwood' from pitch pine, and thus were burned in about one day—very much to the annoyance of the neighborhood by the smoke and vapor of burning shellfish, when the wind was strong enough to spread the fumes of the kilns. In the succeeding month of November I commenced the battery by constructing boxes of the dimensions of the parapet, six feet high by seven in thickness, into which boxes was poured the tapia composition, consisting of equal parts of lime, raw shells and sand, and water sufficient to form a species of paste, or batter, as the negroes term it."

"At the close of this month of November a large Spanish ship called the 'Bilboa' was cast away on Cape Fear in a storm. It was alleged by the crew, who were brought by pilot Davis to my quarters, that the ship was laden with sugar, and that there was much specie in 'the run'; that the captain and mate had died at sea, and that having no navigator on board they had put the ship before the wind and run her on shore near the Cape. There were twenty-one in this

* Mistake for North Carolina.

crew, a villainous looking set of rascals, that I have no doubt they were. Lieutenant Fergus detained them in the block house at the fort until the collector sent inspectors to conduct the crew to Charleston, where the ship was known to some merchant. These men all had more or less of dollars in their are woolen sashes tied around their waists. On their arrival in Charleston they were detained some time, but no proof could be found against them, and they went free. The pilots and others were for some time after this exploring the remains of the wreck, but there was no valuable found among the drift save spars and rigging."

"In the previous month of September Alexander Calizance Miller was introduced to Mrs. General Smith, Dr. Griffin and myself and others by John Bradley, Esquire, of Wilmington. Mr. Miller was an accomplished gentleman, especially so in music and drawing. He interested us much in his history. He stated to us that he had escaped from France in the year 1797; was a cadet in the family of De la Marche; had been a mere boy in the corps of Conde' at the battle of Dusseldorf; made his escape to America from Rotterdam by the aid of the master of the ship, Captain Miller, whose name he bore, and arrived in Philadelphia, where he earned his bread by teaching the piano and violin and drawing. He is of remarkable personal beauty and elegance of manner, and Dr. Griffin and myself became very intimate with him." (Major Alex. C. Miller died in Bladen county, May (13)?, 1831.)

1805. "In January, by order of General Wilkinson, I relieved Lieutenant Fergus in the command of Fort Johnston."

"This winter I became engaged to Miss Walker. The season ran by charmingly at 'The Barn', Mr. Walker's residence in Wilmington, and at Belvidere, the residence of General and Mrs. Smith, and at Fort Johnston. This engagement gave, of course, new prospects of life, and as is usual, my wishes gave them many agreeable hues. I had stated to Mr. and Mrs. Walker that my chief dependence was my profession. Mr. Walker said he could not subdivide his property during his life; that he approved of the marriage, and should do all he could to promote the interests of his children."

"In the month of March Colonel Tathem, of Virginia, arrived at the fort, bringing a collection of surveying and

levelling instruments, and an highly finished sextant to commence by determining the longitude of the fort. He presented himself to me, and described his services in Virginia as a partizan officer in the Revolutionary war. His demeanor evinced an erratic mind; I, however, promoted his wishes, and he commenced to establish the elevation of the block-house above the level of tide water, and extended a line of levels toward the ponds in Brunswick. At this juncture Captain Coles and party arrived to prosecute a survey of the coast of North Carolina by order of the United States navy department, and commenced observations to determine the longitude of the light-house on Bald Head. This operation disturbed Colonel Tathem, who 'boxed his instruments' and departed. Probably the colonel had learned at Washington City of the purposes of the navy department, and had come to the coast with some vague ambition for precedence of knowledge."

"In April the Secretary of War sent me a modified contract that had been proposed to him by General Smith, for his more convenient discharge of the bond of Colonel Reed, to which my reply was that it would delay the construction of the tapia walls, and so it proved, for there was a suspension of the collection of shells and lime-burning, and the workmen departed with their implements, leaving me to await the conclusion of the negotiation between the War Department and the contractor."

"On May 5th, to test the capacity of the channel-way into the harbor, I went to sea over the main bar in the Swedish ship 'Louisa,' Captain Asmus, loaded with ton timber, and drawing eighteen and one-third feet of water; thus establishing the facts set forth in my report of 26th July in the preceding year to the Secretary of War on that subject—returning to the Fort in the revenue cutter that had, at my request, accompanied the ship to sea."

"On 3d June Dr. Griffin, Mr. Miller and myself went to Wilmington in the revenue cutter, and on Thursday, 6th June, 1805, Miss Walker and myself were married at her father's residence, 'The Barn', by the Hon. John Hill, he using the Episcopal service, and was selected by me for that office because of his friendly relations to my father—they having been classmates at Master Lovel's school in Boston in 1775. This resort to a magistrate was made in consequence

of the low estimate by Mr. Walker of the character of the then Rector of St. James, in Wilmington. The bride's attendants on this occasion were Eliza Younger, Cecilia Osborne, and Maria Swann; mine were Dr. Griffin, Mr. Miller, George Burgwin, in lieu of his brother, John Fanning, accidentally absent. (Rector referred to was Rev. Dr. Halling)."

"In the following week Mrs. General Smith gave an entertainment in honor of the marriage, at the town residence of the general. The hilarity of this party was temporarily intercepted by a letter and challenge from Captain Maurice Moor to General Smith, who called me to his office to arrange the affair with the friend of Mr. Moor—Captain Grange. On 22d of the month John Fanning Burgwin, Esquire, gave us a wedding fete at the Hermitage, in a party of about one hundred persons, that continued for two days. On that same day I received my notice of promotion to the rank of first lieutenant of engineers, and also advices from Colonel Williams of the promotion of my brother officers, and of the appointment of several cadets at the Military Academy, and that there was some prospect of his return to the corps."

"On the anniversary of the battle of Fort Moultrie, in South Carolina, 28th June, the meeting of General Smith and Captain Moor took place in South Carolina, not far from the sea side, where stands the Boundary House of the two states, the line running through the centre of the hall of entrance, where was held a parley with some North Carolina officers sent in pursuit—our party occupying the south side of the line in the hall, and thus beyond their jurisdiction. Captain Moor was attended now by his cousin, Major Duncan Moor; General Smith by myself and Dr. Andrew Scott, the surgeon of both. At the second fire General Smith received his antagonist's ball in his side and fell. The surgeons, Drs. Scott and Griffin, conveyed the general to Smithville by water, while I hastened to Belvidere, and in a chair conveyed Mrs. Smith in the night to the Fort, through one of those storms of lightning and rain that often rage in Carolina summers. On this occasion the lightning destroyed two trees, one on either side of the road, apparently at one flash, and for a moment blinding us; but the anxiety of the wife was superior to the alarm, and the lady fouud her husband quite cheerful at the Fort with the ball lodged near the left shoulder blade. The party proceeded to Wilmington, where the General recov-

ered after a few week's confinement. Family rancour between these cousins was the cause of the duel."

"The 4th of July was celebrated this year at 'The Barn' by Mr. Walker's inviting my friends to a dinner given by him for the occasion, and where I formed the acquaintance of William Gaston, Esquire, of Newbern, and *John Hayward, of Raleigh. In the following week, the 8th, the family moved to the summer residence at the Fort, and renewed our fishing and other sports of the season. On 12th of the month I was summoned to the death-bed of our surgeon, Dr. Griffin, at Wilmington, where he had been attending the wound of General Smith. The doctor died of yellow fever, and in the act of repeating the death scene of Shakespere's Julius Caesar. In his lucid moments he pronounced his case mortal. and asked to be buried in Mrs. General Smith's flower garden at Smithville. * * * In a few days after this mournful scene in Wilmington I was assailed by the same type of fever. and by the care of Dr. DeRosset was conveyed to sea air at the Fort, but did not regain my health until the following September when, by authority of the Secretary of War, I employed Dr. R. Everett as surgeon for the port of Fort Johnston, and by the same authority a hospital was commenced there, which not only served for the garrison but also received many a sailor from the European ships that carried the ton timber of North Carolina to the dock yards of England."

"In November moved from my post quarters to the Bay Street house of Captain Walker—that had been prepared for his family residence at the fort—for my winter quarters. In December I received a request from the Secretary of War to examine the live oak and other growths on Bald Head Island, to ascertain the expense of delivering the timber to the government by contract. Lieutenant Botts of the revenue cutter and myself explored the whole island, east and west of 'Flora's Bluff,' and estimated that there were then standing at least twenty thousand live oak, sixteen thousand cedar and twelve thousand palmetto trees; and we found that the expense for furnishing live oak by contract would be one dollar per cubic foot delivered on board of a United States vessel in Cape Fear River, and reported the same to the Secretary of War: palmetto and cedar at half that price."

1806. "This winter, at the Fort, we received much company from Wilmington and Charleston, S. C., by the packet

*Should be Haywood.

of Captain McYlhenny, a favorite ship-master of that name. We were sometimes obliged to borrow bedding from my friend Benjamin Blaney, and sometimes borrowed sheepskins from the public stores, for the gentlemen's beds, while venison and wild turkeys were abundant from the woods in the vicinity, and my waiter, Riley, was an expert gatherer of oysters from the shoals, and we had an abundance of sweet potatoes and corn bread from the plantation."

"As the spring approached I began to conclude that the tapia contract to build the battery would not be fulfilled; indeed I had letters from Washington informing me that General Smith had extended his negotiations with the Secretary of War to the Treasury Department, and to secure the 'Reed bond' had mortgaged rice lands on the Cape Fear river. Thus I was left with but slight duty in my small command of troops at the post. I wrote the Secretary of War for such leave as would allow me to look after some domestic affairs up the river a few miles, that might be done consistently with my responsibility as commandant at the fort. The request was granted in a three months' leave under the conditions proposed, and thus I left Sergeant Fowler in charge of the troops and public stores, Dr. Everett in charge of the hospital, and moved my family to Barnard's Creek, on the Cape Fear, four miles below Wilmington, in the month of February, 1806. The one-half of this place, including a tract of pine land of four thousand acres, Mr. Walker had given Mrs. Swift. My object was to essay in planting and milling. The plan was commenced by widening and deepening a canal from the mill pond to a rice mill, and by constructing a set of conduits at the tail of the mill race to run the water used on the wheel into the rice field below the mill, extending to the margin of the river—for the water-culture of rice. I also constructed several of Evan's elevators, and brought the rice machine into useful and profitable service."

"On 15th May my first child, James Foster, was born at the residence of his grandfather Walker, and in walking to see the mother and son, from the mills, overheated and injured myself. By the middle of June the unhealthy residence at the mills had convinced me that rice planting and milling were not suitable pursuits for me in that climate. My good servant Erickson, a Swede, had died of the fever, and I buried him under the live oaks at the margin of the creek. The

honest man gave me his silver sleeve buttons as a memento of his regard. This exposure to ill health caused me to return to the fort in May, and to move my family thither the last of June, 1806; and with the usual monthly report to the War Department I sent an application to be sent to any northern port that might be deemed proper for me, and was replied to, that such should be done as soon as the good of the service might indicate a station."

"On 14th July Lieutenant William Cox, of the United States artillery, arrived at Fort Johnston, to relieve me from command, but found me too ill of fever to proceed to make up the returns and receipts of and for public property, and so continued until 26th of August, at which time a storm swept all the craft in the harbor into the marshes, save the revenue cutter. On 28th I received the account of the destruction of my rice crop, mill dam and flood gates at Barnard's. From what source I cannot say, but from that day I began to recover my health, and by 8th September was able to travel to Wilmington, and, with my family to sojourn at Mr. James W. Walker's place at the Sound. On 15th October returned to the fort, and took receipts from Lieutenant Cox for all the public property at the fort, and transmitted the one part of the duplicates to the war department."

"First of November proceeded to Raleigh, and passed a few days of my convalescence there in company with the Governor of the State, Evan Alexander, Esq., and the Secretary of State, Mr. John Guion. By 10th of the month had arrived at my uncle Jonathan Swift's in Alexandria, and on the 13th at the War office in Washington, where I received from the Secretary my commission as captain of engineers. Had the honor to dine with President Jefferson."

1807. "The holidays and January were passed among my acquaintances in and near Wilmington and Fort Johnston, and with an association at the head of which was Archibald F. McNeill, Esq., the object of which was to raise means to aid the poor of Wilmington. The mode was by representing some of the plays of Shakespeare and others of the English drama. The price of the tickets was a dollar, and a considerable fund was realized, and Mr. McNeill was esteemed (and in reality was) a good Hamlet. Mr. McNeill was an accomplished gentleman of the same family as Dr. Daniel McNeill of the Scottish emigrants, after the battle of Culloden, among

* Wm. White was Secretary of State. Perhaps Guion was his locum tenens. He was then very old.

whom was Flora McDonald, the friend of Charles Edward 'the Pretender'. Mr. McNeill's mother was a daughter of Sir James Wright, the colonial Governor of Georgia, and he married Miss Quince, an heiress of Wilmington and cousin of Mrs. Swift. Dr. Daniel McNeill is an intimate friend of mine. His wife, the beautiful Miss Martha Kingsley, is one of the most interesting persons in Wilmington. Among my other intimates is our family physician and friend, and cousin of Mrs. Swift, Dr. Armand J. DeRosset. He is of an old Huguenot family expelled from France. The brothers Louis and John had been early settlers in Carolina, and officers of the royal government, and steady supporters of the Episcopal church. Mr. George Hooper was also a friend of mine. His family came from Boston with his brother William, the member of Congress from North Carolina in 1776. Mr. George Hooper settled as a merchant in Wilmington and married the daughter of the distinguished counsellor, Archibald MacLean* and is a gentleman of inborn hospitality and of fine literary taste, and writes well and with facility on various subjects. The Hon. John Hill, whose family also came from Boston. He was among the prosperous rice planters of Cape Fear. His brother William was a member of Congress. The family of Swann (formerly Jones) of Virginia were among the oldest and most respectable families of Wilmington. The ancient family of †Moor, descended from Governor James Moor of South Carolina, were residing on the banks of the Cape Fear. Alfred, recently a judge in the United States Supreme Court, and his sons Alfred and Captain Maurice, informed me that this family was that of Drogheda in Ireland, and that the rebel, Roger Moor, celebrated as the defender of Irish independence in the century before the last, was of the same family. (Major Alexander Duncan Moor, the son of the Revolutionary general, James Moor, was of the same family). The family of Ashe was also living here. Col. Samuel, an accomplished gentleman and son of the governor of that name. They had given several officers to the army of the Revolution, such as John Baptist and Captain Samuel."

"My groomsmen, John Fanning (Burgwin) and George Burgwin, were the sons of an opulent merchant of Wilmington. The family came from Bristol in England, where these sons were educated. They introduced at their residence, the Hermitage,

*Usually spelt McLaine.

†Now written Moore.

the modern social habits of the English gentry, and which the elder people of Wilmington said was not an improvement upon the days when the Tories (Dr. Robert Tucker, Francis Cobham and Colonel John Fanning) had given the gentry of Cape Fear a sample of English manners, as practiced in New York when that was a British garrison in the Revolution. Be that as it may, the Hermitage was a delightful visiting place. The sister of the Burgwins was a beautiful woman, and had also been educated in England, and had married Dr. Cletherall of South Carolina."

"I had now been nearly three years a resident of North Carolina, and had experienced the kindness and hospitality of many of its good citizens, and become attached to them, and had also in a measure become identified with their institutions; was a master of a few slaves, and had a little experience of their ways and knowledge of their condition. The relation of master and slave in that part of North Carolina is of a kindly character in general on the part of the masters. But with my essays to operate with this class of laborers I could not be reconciled to their perpetual retention in a condition forbidding their mental improvement; and as far as my observation extended a sentiment similar to this was entertained by most of the educated gentlemen. That which seemed to me the worst consequence of slavery was its influence upon the minds and habits of the white children. The natural disposition to rule, that is inherent in the human mind, is nourished in the 'young master' and mistress. They become impatient and domineering, and vent their angry passions upon the negro children. These passions grow and strengthen with the years of both white and negro child until both approach their 'teens'. It is the nature of human qualities that it should be so with both parties."

1807. "In the month of February I received orders from Colonel Williams, who was then at the war office in Washington, to repair to West Point early in the ensuing April, and receive the command of that post from Captain William A. Barron."

"I negotiated a loan at the Bank of Cape Fear for four hundred dollars, and received one hundred and fifty dollars from the United States, and on 20th March was on board the packet Venus, Captain Oliver, with Mrs. Swift's mother and niece Margaret as our companions, and, with Mrs. Swift and our son James and servant Nancy, proceeded before a fair

wind by the New Inlet to sea, and on 28th arrived at Mrs. Tilford's boarding house in Courtlandt street, city of New York. The next day gave Mr. George Gibbs two hundred dollars that I had received for him from Carleton Walker, Esq., of Wilmington, and on 6th of April arrived by a Newburg packet at old West Point, and received command of the same from Captain Barron, who went to the city. Mrs. Swift, mother, and niece took the barge and made a visit to her uncle and Aunt DuBois at Newburgh, where I joined them in a few days thereafter, and found Mr. DuBois (John) an intelligent old gentleman, full of reminiscences of the scenes of the war of 1781 in Carolina, and of the iron rule of Major Craig, Governor at Wilmington in those days, and familiar with the events of the DeRosset and DuBois families, then prominent people in North Carolina. The former he described as refugees to Holland after the St. Bartholomew's massacre, and the latter as refugees to the colonies after the revocation of edict of Nantes."

"Congress appropriated fifty thousand dollars for the survey of the coast, including the publication of Thomas Cole's and Jonathan Price's survey of the coast of North Carolina; the latter gentleman having published an interesting map of the whole of that State, one of the best specimens of maps yet published in the Union, fully equal to Mr. Madison's map of Virginia, though both have many errors in them."

1808. "This winter we received the sad account of the sudden illness and death of Mrs. Swift's father, Captain Walker, in Wilmington, North Carolina, on 18th January, at the age of sixty-six years. He sent me a message through Dr. DeRossett of his hopes that I would approve of his will. I did not, however, see the justice by which his son James received the greater portion of the estate. This will diminished my prospects of settling my family, as was contemplated to be done, near Boston, in accordance with arrangements to be made under the orders of my official chief, with whom I was exchanging thoughts in reference to his purpose to assign me to duty in that quarter."

1809. "At the request of J. W. Walker and S. R. Jocelyn of Wilmington, N. C., I examined the salt works at Dorchester, and employed Thomas Mayo of Cape Cod to proceed to the Sound, near Wilmington, where he constructed similar vats for evaporation. The plan was very successful."

"On 6th of November we were at the New Inlet of Cape Fear, and landed on Federal Point, the proposed site for a work recommended to the War Department in 1804, in my report made at the time. Thence proceeded to Wilmington and found my family in health at "The Sound," and remained there until 10th November, at which time made a temporary residence at Mrs. Swift's mother's, Mrs. Walker, in Wilmington, preparatory to going to Fort Johnston. After an absence of two-and-a-half-years find North Carolina but little changed in aspect of country. The best of North Carolina is constituted of warm hearts and an early flowering spring. My intimacy with the people of North Carolina, and some acquaintance with the interests of the State have grown with me, and attached me to both."

"In December, 1809, the Legislature of North Carolina receded the site to Fort Johnston to the United States."

"On 11th of the month I received orders from the chief engineer constituting me the engineer for the State coast."

1810. "In January, previous to my professional excursion to the Harbor of Cape Fear, I renewed my social relations with increased pleasure at Judge Wright's, Mr. John Lord's, the Hills and other families. At one of these re-unions, a numerous party, Dr. Caldwell, from the University of Chapel Hill, exhibited the declining condition of that college, and the whole company joined in a subscription to improve the condition of that institution, the alma mater of several of the younger persons of the party.

In the course of this month I visited Fort Johnston with Joshua Potts, General Smith and Mr. John Lord, and examined the boundaries of the public land at that place, and the delapidated condition of the work, and reported on the same to the War Department. Lieutenant Robert Roberts was in this Board of Examination, and was also the commandant of the post. The reply from the department is that no more would be done at that post than occasional repairs and the construction of permanent barracks."

"In February at a deer hunt with a party at Major Duncan Moore's, in the forks of the north-west and north-east branches of Cape Fear River got up some sixteen fine deer. On this occasion Major Moore offered me one hundred acres of rice land on terms so liberal (if I would settle my family in his neighborhood) that I could not accept them without incurring too deep an obligation, but the liberality was not forgotten."

"March 18th, in company with many gentlemen from Wilmington on a search for the son of our friend, Samuel R. Jocelyn. On the second day the body was found in Holly Shelter Swamp, he having wandered thither in a demented state, and was chilled to death lying in some four inches of water. His name Samuel, and recently married to a daughter of Counsellor Sampson, of the county of that name."

"In April I accompanied John R. London and others to the Sound on an excursion to see its adaptation to salt-making. I gave these gentlemen the plan of the works on Cape Cod that I had received from Mr. Thayer of that place. No doubt the ocean water in this shallow sound, not being freshened by rivers, and constantly receiving the tide from the sea, must afford a good surface for evaporation."

"On the 15th of the month I received orders from the War Department to construct permanent barracks at Fort Johnston, with funds to defray the expenses thereof, and also orders to relieve Lieutenant Roberts in the command of that post."

"During the past season I had attended the Masonic Lodge in Wilmington, having been admitted to that fraternity while at West Point in the year 1802. Observing an abuse of the test for admission, and considering the objects of the society, as a secret society, not agreeable to the spirit of our political institutions, I ceased to be a member of any Lodge, though having do doubt that the conduct of the society had ever been respectful of law, and with benevolent purposes."

"April 20th, renewed my official visits to the fort while the commandant is preparing his returns to obey the orders of the War Department; examined at the workshops the gun carriages made on Colonel Burbeck's plans, and condemned them They are of pitch pine, but not strong enough to resist the concussion of a proof charge of powder. I had reported these facts to the War Department, and also that the works at Beaufort, in my command, required seven cannon and carriages and a barrack magazine, that would call for an expenditure of fifteen thousand dollars."

"May 1st, received the command of Fort Johnston from Lieutenant R. Roberts, and gave him receipts for the public stores. The next day, with the collector of the port, examined the beach at Bald Head, and the encroachments of the sea

at that place, and advised the placing of fascines confined by piles of thirty feet in length, as a protection against the action of the waves."

"May 15th, moved my family to the fort, and at housekeeping in the 'Blaney Place' near the fort. June 1st, deposited the United States funds in the Bank of Cape Fear, and commenced the collection of materials for barracks, etc."

"On June 15th, with the commissioners of the town of Smithville, marked out the lines of the United States land, and set red cedar posts for landmarks."

"The first armed vessel that came in was the British schooner 'Eliza,' Captain Bradshaw, who landed his guns at the battery."

"From the great mobility of the sand on the coast the storms had produced a variety of changes in the form of a large shoal near the entrance of the harbor, called the "Middle Ground'. I employed the pilots early, and at several times in the month of July to sound out and buoy the Old Island channel, and found thereby several changes in the course of the channel that had been made since my survey in the year 1804."

"On the 3rd of August, in the presence of the collector of the port, Robert Cochran, Esq., and General Smith, the proprietor of the Island of Bald Head, and others, Mr. S. Spring the keeper of the light-house, etc., surveyed and marked with a theodolite, ten(10)acres, including the site of the light-house and having reference to the abrasion to the shore of the sea, as examined last May, I included a wide sea-beach margin on Bald Head."

"August 9th, with a theodolite, above mentioned, received from Jones of London, made observations that proved the magnetic variation at Fort Johnston at this time to be fifty-five minutes from the true meridian."

"The August election of State officers came on this year on 9th of the month. I gave the troops a fishing excursion to Old Island for that day, with a view to prevent any question of 'interference of troops at the polls,' in reference to which, as an abuse of the franchise, much had been said, but, as far as my experience extended, had never witnessed any such interpolation."

"On 12th August the United States brig 'Nautilus,' Captain Arthur Sinclair, came into port in a storm that had wrecked an English brig on the 'Middle Ground' shoal."

"On 25th September accompanied Captain Sinclair to sea for the purpose of examining the 'slew' through the Frying Pan Shoal, which we found at a distance of thirteen miles south of the light.house, a four-fathom channel directly through the Pan, bearing east-by-south. After a cruise of a few days the 'Nautilus' returned to anchor off Fort Johnston, and finally resumed the cruise along the coast on 7th of October."

"During the months of October and November the weather was excellent for labor, and by 1st December had completed the brick barracks and guard-house, and discharged the workmen. Moved the troops into the new barracks, much to their comfort."

"December 12th, by order of the Secretary of War, transported the military stores from Wilmington to the block-house at the fort. These appurtenances had been in the use of the 12th United States Regiment of Infantry in 1799, and were stored in Wilmington in 1800."

"Passed our Christmas at the wedding of our fair cousin, Mary Vance, with Mr. James Orme, and with my friends Alexander C. Miller and General and Mrs. Smith at Belvidere, and at General Brown's seat at Ashwood, on the Cape Fear, and returned to the fort on the last day of 1810."

1811. "January 5th, *the governor of the State and suite inspected the post at Fort Johnston, and was received with military honors."

"In February I employed Dr. Egbert Haywood Bell as surgeon of the post, which was confirmed by the Secretary of War. The doctor is distinguished in his profession. The family of which he is a member are generally noted for talents; they reside in the upper country of North Carolina. During the winter Mrs. Swift's sister Harriet and husband, †Colonel Osborne, had been members of our family, and in the spring they moved to Salisbury, when Mrs. Swift's mother joined our family. Mrs. Osborne is not only amiable but has also an highly cultivated mind, that has contributed much to our enjoyment. With Mrs. Osborne we had the pleasure to receive as guests the father and daughter, Colonel John De-

* William Hawkins, of Warren.

† Edwin Jay Osborne.

Bernier. They were from England; and from Edward Jones, Esquire, I learned that this gentleman, with his brother Henry, had (both) been lieutenant-colonels in the army of England, and in command in Canada, where they had been suddenly relieved from command, and chagrined by the order, they had both sold out their commissions, which act was soon succeeded by orders giving them both more distinguished commands in India. The mortification resulting from those occurrences may be imagined. In the case of Colonel DeB. melancholy was marked on his face. Mr. Jones, who gave me this information, is an Irish gentleman, and has filled the office of *attorney-general of North Carolina with high repute. The Colonel Osborne before mentioned is the son of †Audly Osborne, Esquire, of Iredell County, North Carolina, reputed to be a son of the family of Leeds, in England. The colonel is a lawyer of much ability, and who, with four of his brothers, had received the first honors of Chapel Hill College."

"During the months of February and March flocks of pigeons were daily passing over the fort, with a sound resembling a gust of wind. Several of these flocks were more than a mile in extent, and vast numbers of them were destroyed. Their roost was on Bald Head Island, where they found an abundance of acorns, and from whence sportsmen brought many thousands of these birds."

"On 12th May while at Wilmington dining with George Hooper, Esquire, was summoned to the bed of his son-in-law, Mr. James Fleming, who had a few moments previous left us at table, and had been thrown against the corner of the brick market house in town by an unruly horse. Mr. Fleming's brains were forced through the ears by the conecssion, and I found him breathing with some violence, but he was dead within an hour."

"The 4th July was passed at the seat of General Brown at Ashwood, with a purpose to attend the marriage of my friend Alexander C. Miller, and the general's daughter, Miss Mary Brown. The general asked me of the origin, etc., of Mr. Miller; my reply was all that I knew of him had been received of him, and to judge from his uniform deportment it left me no reason to doubt that he had been highly educated, etc.

* Col. Jones was Solicitor-General.

† Adlai is the usual spelling.

Before leaving the fort, Lieut. Roberts and myself had set our watches together and arranged to have the salute at the fort commenced at noon, and to fire at interval of fifteen seconds. I placed myself alone at the margin of the Cape Fear River at Ashwood, sixty miles distant from the fort, in due season to listen, and heard the sound of the distant cannon, but not at precise intervals. The sound was that of a puffing continuous sort, and I counted only fourteen of them. My ear was not more than three inches above the surface of the water; the day was quiet, and the air from the southwest; my position in a direction a little west of north from the fort. In the banks of the Cape Fear at this place, some seventy feet below the general surface of the country, I found an abundance of shark's teeth and other organic remains in the earth, washed by every successive rise of the river."

"I returned to the fort on 6th, and on 10th July, having received the long expected 24-pounder new cannon, carriages, and six hundred round shot, replaced the old guns by mounting the battery with eight new ones."

"The appropriations this year for fortifications are four hundred and seven thousand dollars. These and preceding preparations may show both France and England that our endurance of their decrees and orders may, find a limit. Both nations seem, from our own dissensions, or contempt for us and for our form of government, to consider our ability or purpose to sustain a war as of small importance to them. Both parties in our country greatly mistake their policy; the Democrats in their evasive palliations of the cause of France; the Federalists by their efforts to prove that the decrees and orders are equally insulting and therefore deserving equal resistance. They lose sight of the hope of England that we may make some error to favor their pretensions, and that her superiority on the ocean gives her power to annoy, and they lose sight of the fact that if we ever are to assert our rights on the seas, we must commence to do it while England is practising her arrogant power of impressment."

"July 11th received at the fort, *Treasurer Haywood and other guests from Raleigh, who came to look at the ocean, and to be informed of what plan of defense might secure the entrance to the most important harbor on the coast of North Carolina, in which the Legislature of the State had taken a deep interest, and here were several of her prominent

* State Treasurer, John Haywood.

members to prepare themselves to give that body such an account of their observations as they could collect. It was very evident that these gentlemen had no respect for the moderate use of naval power of England in case we should have a war with them."

"In my memorandum of my visit to Ashwood I omitted to state that there stands a tree whose bark has been marked, indented in the year 1780, with a figure representing the Revolutionary general Robert Howe. These marks had been spread by the growth of the tree, and now exhibits a gigantic rude figure of a man in military costume. This is the result of a slight engraving on the bark of any tree, especially the beech, but if the indentation be deep the growth of the bark covers the work and so obliterates the design."

"August 1st delivered the command of Fort Johnston to Lieutenant Roberts, United States Artillery."

1812. "February 1st, gave orders to Lieutenant Ewing to detail a party to work daily in the block-house, cleaning the arms, etc., received there in the previous year. This was in pursuance of orders received from the War Department, together with the appointment of myself as military agent for the coast of North Carolina, and was the first intimation in orders of haste, of preparation for war!"

"February 21st, the United States brig 'Vixen', commanded by Lieutenant Charles Gadsden, arrived at Fort Johnston on public business with me."

"In March I received orders from the Secretary of War that the state of public affairs required an inspection of the fortifications on the coast of Virginia, the two Carolinas and Georgia, and requiring me to make the same as soon as my present duty permitted."

"On April 1st proceeded on this inspection in the packet to Charleston, South Carolina, (at the same time escorting the daughter of Colonel DeBernier on a visit to her friends in South Carolina. This lady is the wife of Harper Hooper, Esquire, of Wilmington), leaving the command of Fort Johnston to Lieutenant Ewing." (Next several pages contain account of this inspection - war being imminent.)

"At the close of the month received letters from my family informing of the birth of my son Thomas Delano, at the residence of his grandmother Walker in Wilmington, 23d November, 1812."

"On 9th December, with Bishop Hobart consulting on the subject of inviting the *Rev. Adam Empie to take the chaplaincy of the military Academy, the Secretary of War having in the previous summer given his consent to offer the appointment to Mr. Empie, and having learned that he (Mr. Empie) had determined to leave Wilmington, North Carolina, I now wrote to Mr. Empie that the Bishop highly approved the plan, and that the selection of an Episcopalian had been made because, aside from my own views, the service of that church was deemed to be the most appropriate to the discipline of a military academy."

"On May 7th, 1814, Rev. Adam Empie reported for duty at the Military Academy. On 20th of May I inducted him to his office, that of chaplain and professor of ethics, and also treasurer of the Academy; a novel junction of functions, but rendered needful by want of officers."

"In the past two years I have endeavored to promote the interests of the Military Academy by selecting the intellectual sons of my most respectable acquaintance, and inviting them to apply to the Secretary of War for cadet's warrants. Among the number is †William McNeill, the son of my friend Dr. Daniel McNeill of Wilmington, N. C.; whom meeting on my way to West Point, and he on his way to commence theological study with Rev. Mr. Wyatt of Newtown, L. I., he (William) found my purpose suitable to his propensities, and so took him with me to the Point. He has been there now several months, and gives evidence of being suited to the place."

1815. "I returned on 3d March to my family in Brooklyn, with whom the Rev. Mr. Empie had passed the winter, and where Mrs. Swift had received the account of the death of her only sister, Harriet, Mrs. Osborne, in North Carolina." Winter of 1816, "the Rev. Mr. Empie having returned to his former residence in North Carolina."

* Dr. Empie returned to Wilmington and was a leader in reviving the Episcopal Church in North Carolina. He was afterwards President of William and Mary College and Rector of St. James Church, Richmond, Va.

† Wm. Gibbs McNeill became Major of Engineers; resigned 1837 and was a distinguished civil engineer; Major General of Militia of Rhode Island.

1817. "While thus confined (Sept. 20th to Oct. 6th) General Benjamin Smith of Wilmington, North Carolina, called on me, and awaited my convalescence. My brother-in-law, Julius H. Walker, being my amanuensis, I dictated a letter of introduction of General Smith to the Secretary of the Navy, and recommended the purchase of Bald Head, North Carolina, because of the extensive growth there of live oak and cedar, and thus to enable General Smith to liquidate the old bond of Colonel Reed, late collector, for whom General Smith had become security."

"On October 13th Mrs. Swift, with her mother and brother Julius, and my son Julius and daughter Sarah left me, and by packet sailed for Wilmington; Mrs. John London and children occupying my house in Washington St."

1818. "On 7th February I proceeded to Newbern, where I met William Gaston, Esquire, whose very agreeable acquaintance I had made in the family of father-in-law in Wilmingten, 1806, when Gaston practiced in the courts there. At dinner I also met my friend John Guion, Esquire, and William Graham, and Mr. Donnel, and passed a few hours with John Stanly, Esq., one of the brightest minds in the State. On 9th February arrived in Wilmington."

"On 21st February the citizens of Wilmington gave me a dinner—a flattering token of the remembrance of earlier days I attempted no speech in response to a complimentary remark, and gave this toast:—"North Carolina and her liberal spirit, as evinced in her carte blanche order to Canova for a sculpture of Washington, at an expense limited only by the artist's decision."

"February 26th, to Fort Johnston, Oak Island and Bald Head, and reported from Smithville my views to the War Department. Visited the grave of my friend John Lightfoot Griffin, in the garden that had been the care of its owner in 1805, Mrs. Sarah Dry Smith. I could find no stone in the public graveyard to mark the resting place of my early friend Benjamin Blaney, the friend also of the poor, and that especially of the sick sailor and stranger."

"February 28th to Orton, the plantation of General Smith on the banks of the Cape Fear, and passed a day with Mrs. S. D. Smith and himself. The pleasure of our reminiscences of that spot, and of Belvidere, were clouded by the aspect of the failing fortunes of the General. Mrs. Smith presented us at

the board a bottle of the nearly consumed stock of old sherry, with which, and blue perch from the adjacent pond, we were used to regale in more prosperous days; Mrs. Smith evincing a well-balanced serenity, to cheer her husband. On March 1st returned to Wilmington, and found it a fruitless essay to liquidate the large claims of the general's creditors."

"Mrs. Swift and myself renewed our associations with the Lords, Mrs. Vance, Mr. Miller and the Browns, Wrights, Toomers, Londons, Hoopers, and other of the friends of onr more early days. On 7th visited my correspondent, Alfred Moore, Esq., at Buchoi, and enjoyed a retrospect of our deer hunts with Duncan Moore, now laid low, and the Swanns, Hills and Burgwins, Richard Eagle, etc."

"On 11th March, I purchased carriage and horses, and, with my wife, son and daughter, and maid Peggy, commenced a jaunt to Norfolk, leaving of our family in Wilmington, Mr. J. W. Walker and Julius, and their mother, Mrs. Walker—an exemplary parent, and true lady of the old school—and her sister, Mrs. Ann Quince, of equal virtues and our semper idem friend and cousin, and family physician, Dr. A. J. DeRosset. Mrs. Vance and daughters Mary and Jane took the road to Newbern by the Sound to Sage's, and to Colonel Shine's by Holly Shelter and Trenton. Detained some days by storm in Newbern, entertained by friends there already named, and by the Edwards; employed the rainy hours in reading to Mrs. Swift, whose piety enjoyed the "Rise and Progress of Religion in the Soul of Man", by Doddridge, more than her less pious husband, who, however, found it among the best books he ever perused—thanks be to God."

* * * *

"From thence to the city, where I met Mrs. Swift's cousin, Mrs. Mary Orme, who returned with me on 26th to my family in Georgetown; finding there my old friend General B. Smith, from Belvidere, on his way to Kentucky, to examine his lands near Henderson. My brother-in-law, James W. Walker, from Wilmington, has been sojourning in my family on his way to seek a new residence on the Limestone River in Alabama, and to examine some lands in West Tennessee to which his father had claims for military service."

"Our friend Mrs. Orme returned to Wilmington under the escort of Mr. ——. I wrote by her to Julius H. Walker, advising him of all the facts that had come to me from Lawyer Shight of Newburg, and from uncle John DuBois of the same

town to-wit: That all the children of John DuBois (Mrs. Swift's grandfather) were entitled to the said grandfather's rights in the "Minnesink land", and that under the will of Mrs. Swift's mother, Julius H. and Louisa M. Walker (my wife) were entitled to all the said lands that had belonged to Isaac DuBois, the brother of the said grandfather John; which land had descended to the only child (Margaret) of the said Isaac and wife of the aforesaid John DuBois of Newburgh, to whom was born one son, Isaac, who dying before his father and after his mother, the said father, John had conveyed by his will all the rights of said Isaac, his father-in-law, to his sister, the said M. M. Walker, mother of said Julius H. and Louisa M., i. e., all said Dr. Isaac DuBois' rights in the patent of land called the "Minnesink Patent" aforesaid, which said Dr. DuBois died in October, 1745, and was then seized with his brother, the aforesaid grandfather John, (who died December, 1767,) of all the DuBois right to the said "Minnesink lands," they, two brothers, being the only heirs and sons of the Rev. Gualthemus DuBois, deceased in October 1751."

1819. "On 15th April my son McRee was born, and named for my friend Colonel McRee."

"On 14th October I purchased from George Gibbs the place where I was living with him on the Heights, and on 1st November commenced trimming a large grape vine that Mrs. Gibbs had transplanted from General Smith's garden in Smithville, North Carolina, and I gave the cuttings of the vine to William Prince, the florist and gardener at Flushing, who wished to name the grape "The Louisa", for my wife, but both she and myself deemed Mrs. Isabella Gibbs entitled thereto, and accordingly the vine was named "The Isabella", and I gave the cuttings to many of my neighbours in Brooklyn. Thus originated the Isabella Grape, 1824."

1820. "October 7th, received from the United States Comptroller a deed of trust of Bald Head, Mallory and Blue Banks lands on Cape Fear River, in North Carolina—several thousand of acres—with the directions to have the same acknowledged before the mayor of the city, and which was done as agent of the United States Treasury, to aid in settling a debt of General B. Smith as security for Colonel Reed a defaulter, and late collector of the port of Wilmington, North Carolina."

1823. "In June my mother-in-law and grand-daughter Mary Ann, and cousin Mary Orme, John Q. McNeill and Mrs. S.'s brother-in-law, Edwin Jay Osborne, returned to North Carolina. Mr. Osborne, a gentleman of fine mind, attempted, by aid of my friend Cadwallader Colden, Esq., to establish himself in the city as a counsellor of law, but did not succeed."

LETTER OF COL. SAMUEL ASHE, ON REVOLUTIONARY HISTORICAL POINTS.

The writer of the following letter was Colonel Samuel Ashe, of Rocky Point, brother of Colonel John Baptista Ashe, of Halifax, who was elected Governor and died before qualification. Samuel was the second son of the Governor and Judge of the same name, born in 1763 and entered the army at the age of sixteen. He was captured at Charleston with the rest of General Lincoln's army; confined on a prison-ship for fifteen months, exchanged on James River, served with LaFayette in Virginia, then with General Greene in South Carolina until the end of the war. He was appointed a colonel in the War of 1812; was State senator for seven terms. He died in Fayetteville 1835. One of his sons was the late William S. Ashe, President for years of the Wilmington and Weldon Rail Road Company, and author and originator of the charter of the North Carolina Rail Road Company.

Joseph Seawell Jones, generally known as "Shocco" Jones, was a native of Warren County, and author of "The Defence of the Revolutionary History of the State of North Carolina from the Aspersions of Mr. Jefferson." He died in Mississippi in 1855. He had considerable sprightliness, but lacked accuracy.

To J. Seawell Jones, Esq.

Dear Sir:

My personal acquaintance with Mr. Hooper, owing to the great disparity in our ages, for he was much my senior, was very slight, having but seldom been thrown in his company after I reached manhood. But I am happy in being able to say of him that as a Lawyer, a Scholar, a man of amiable and fascinating manners, he was unrivalled by any of his contemporaries, and as a whig, he enjoyed the entire confidence of all who knew him, and it never entered my mind until I saw Mr. Jefferson's letter, that the soundness of his principles had

been questioned by any one. From my intimate knowledge of his character, I feel warranted in saying that he was a man of as pure principles and as ardently devoted to the cause of American liberty as any other of the distinguished personages who were evolved by the Revolution.

The Col. John Ashe to whom you allude, was an elder brother of my father, Samuel Ashe, who were the only sons of John Baptista Ashe, my grandfather, who was the first of the Ashe family who came into North Carolina. He was a lawyer, and a bold energetic man, distinguished in his profession and frequently a member of the provincial legislature, as Ihave been informed. Col John Ashe was a man of engaging and popular manners, and one of the first and firmest opposers of the oppressive measure of the British Government, and early distinguished himself, as did many other worthy and gallant spirits, who have sunk unnoticed to the grave, in resisting the distribution of the stamps at Wilmington. Notwithstanding his firm and decided opposition to what he conceived to be encroachments by the Mother Country on the rights of the colonies, he was made treasurer of the Southern Division of North Carolina five or six years, as well as my memory serves me, before the breaking out of the Revolution. He was, I think, a delegate together with my father, *Judge Maurice Moore, and his brother General James Moore, Mr. George Moore, Alexander Lillington and perhaps Cornelius Harnett, to form the Constitution of the State. The part which they respectively took as members of that body, is doubtlessly a matter of record and better known to you than myself. The first session of our legislature, conferred on him the commission of Col. of the Militia of the county of New Hanover, and shortly afterwards, perhaps the next session. he was made Brigadier General of the District. Shortly after this time, Georgia was actually invaded and South Carolina threatened with invasion, by the British troops under the command of General Prevost, when General Ashe with a division of North Carolina troops was ordered to join the Continental Army, then near the Savannah River, under the command of General Lincoln who was then in South Carolina. Immediately upon his Junction with General Lincoln, he was ordered

* The delegates from New Hanover were John Ashe, Samuel Ashe, John Devane, Sampson Moseley, John Hollingsworth. From Brunswick were Maurice Moore, Cornelius Harnett, Archibald McLaine, (sometimes spelt McLean), Lewis Dupree and William Lord. William Hooper was the delegate from the borough of Wilmington.

to the western side of the Savannah River with his Militia, who were raw and undisciplined, and many of them actually destitute of arms, and was stationed on Briar Creek near its Junction with the Savannah. He had not been long in this position when his rear was surprised and attacked by a Division of the British Army, when a general route of the Militia ensued. Major Nelson and Mr. Francis Kinlaw, who were eye witnesses of this defeat, both informed me that General Ashe made every exertion and did all that a Commander could do to rally his men and prevent the overthrow of his division. Mr. Kinlaw, I think, also informed me that General Ashe made application either to General Lincoln or to S. Carolina to be supplied with arms or ammunition, perhaps both, but could not obtain them. Some years subsequent to this, General Ashe was betrayed by a confidential servant into the hands of the British who kept him a close prisoner. During his confinement he was taken with the Smallpox and after a tedious illness was discharged on parole, but with a Constitution so much impaired that he shortly afterward died at the house of Col. John Sampson in Sampson County.

Pursuant to your wish, I will endeavor to furnish you with my reminiscences, as they occur to me, of Judge Maurice Moore and his brother, James Moore, (brothers-in-law to General John Ashe.) Judge Moore was a highly gifted and accomplished gentleman, distinguished alike for the soundness of his professional learning and his urbanity of manners. He stood high, and deservedly so in the confidence and esteem of all who knew him, but unfortunately fell a victim to pulmonary consumption in the midst of his usefulness and the vigor of his manhood, in the year 1777 or 1778 as nearly as I can recollect. General James Moore, I have reason to believe, was a member of the first legislature from N. Hanover County and was appointed by an act of that legislature Col. Commandant of the 1st N. Carolina regiment of Regulars. He was a man of distinguished talents and admirably qualified by the peculiar cast of his mind for military pursuits, but unfortunately, the delicacy of his constitution formed a striking contrast to the boldness and energy of his character. He fell a victim of disease shortly after the discomfiture of the Tories at Moore's Creek, universally regretted and lamented as an able officer, an accomplished gentleman and one of the firmest and most efficient advocates of our Country's cause in those perilous times. He left two sons, James Moore and A. D. Moore, gentlemen of

high standing and respectability, and two daughters who have left a numerous progeny. The daughters, Mrs. Swann and Mrs. Watters, are still living venerated and beloved by all who know them. I should have also mentioned in connection with Judge Maurice Moore, that he left three sons, the two youngest died in early life; the eldest, Alfred, bore a conspicuous part in the Revolutionary War, and subsequently became distinguished in his profession as a lawyer. He succeeded Judge Iredell as Attorney General, which appointment he filled with singular promptness and ability and was afterward made one of the Judges of the Supreme Court of the United States. He had a sister Sarah Moore who married General Francis Nash, who left one only daughter. She became the wife of Mr. John Waddell of Brunswick County, from whom have sprung a numerous and respectable progeny. General Nash fell at the battle of Germantown at the head of the North Carolina Line. At the breaking out of an Indian War about *the year 1715, James Moore, Esq., then Governor of the Province of Carolina, sent out his son Maurice Moore (the father of Judge Maurice Moore and Gen. James Moore) at the head of a division of troops for the defense and protection of the settlers about Edenton. After a difficult and protracted contest with the Indians he succeeded in subduing them; and shortly afterwards formed the design of establishing a colony on the Cape Fear, which was the third attempt that had been made. For this purpose he associated a number of highly respectable persons from Virginia, Edenton and Charleston which gave to the colony a character of respectability and intelligence rarely equalled in any new settlement.

General Alexander Lillington was a native of Carolina from the vicinity of Edenton; he was a highly respectable man and took an early and active part in the Revolution. By the first Legislature he was appointed Colonel of a regiment of Minute men, two hundred to two hundred and fifty of which he had raised and called into service at the time of the Scotch Insurrection. Upon the approach of the Scotch to Wilmington they were met at Moore's Creek by General Lillington who stationed his men across a peninsula formed by the creek, commanding entirely the road and the bridge by his position. General Caswell, who was his senior in command, was compelled for the want of room to form in Lillington's rear. The battle was fought early in the morning and such of the Scotch and Tories as passed the bridge were destroyed. The

*1711.

succeeding Legislature made him a Colonel of our sixth Regiment of Regulars, which command he held about twelve months, then resigned it and was subsequently promoted by the Legislature to the rank of Brigadier General of the Militia in the district of Wilmington. During the invasion of South Carolina by General Provost, and while a descent upon Charleston was threatened, he marched immediately with what Regulars and Volunteers he could command to the assistance of that City. He continued to the close of the war, an active, vigilant, and useful public servant, universally esteemed and respected He left a son who was the father of the present Major John Lillington of Wilmington.

Richard and Parker Quince who were gentlemen of great respectability and were devoted whigs, but, quiet and unobtrusive in their characters, they never mingled in public life.

John Walker was an Englishman, who came to this country when very young, attached himself ardently to the whig party, and was a Captain in Col. James Moore's Regiment. After serving a year or two, he resigned, but continued a zealous whig throughout the war. Gen. Robert Howe was made a Colonel by our second legislature (according to my best recollection) and marched to the relief of Norfolk when it was attacked by the British under Governor Dunmore, and was promoted in Virginia (strange as it may seem) to the rank of Brigadier General. He marched from thence to the North and soon took the rank of Major General, and occupied a distinguished stand among the military men of the day. Few have equalled him in the elegance and courtliness of his manners, and his talents were confessedly of the first order.

Cornelius Harnett came to Wilmington before the breaking out of the Revolution, and early and heartily espoused the cause of the colonies. He was, I think, a member of the old Congress from North Carolina, and was esteemed a man of acquirement and great usefulness. While the British were at Wilmington he was made prisoner, and I think died in captivity.

In respect to the duel to which you allude, I do not suppose I can give you any information. I have no recollection of having heard of any occurrence of the kind between a British and an American officer, but there was a circumstance somewhat similar in its character which doubtless gave rise to the story you have related. There was a duel fought near Bruns-

wick between a British Captain* and his first Lieutenant (whether they were of the Diligence or not I don't recollect) which proved fatal to the Captain, who was a relative of Gov. Tryon's Lady. The Lieutenant who was severely wounded, was immediately arrested and thrown into prison to await his trial. He was accordingly arraigned before Judge Berry of Newbern, tried convicted and condemned to the no small gratification of Gov. Tryon, who used all his influence against him. Before the day of execution arrived, which was fixed by the Court at a remote period, he made his escape and returned to England where through the aid of his friends he was acquitted. Judge Berry immediately upon his own return to Newbern committed suicide; an event which excited the surprise, astonishment and regret of all who knew him, for he was a talented, amiable and useful man. With respect to my father, his character is doubtless known to you, as he was connected with the executive and Judiciary departments of the State, and his acts as such form a part of the History of the Commonwealth. He was one of the Committee of Safety and is the only member of that body of whom I am sure. My brother, John Baptista Ashe, who was my father's eldest son, entered the army I think, as Senior Captain in General Lillington's Regiment, early in the war and was shortly after promoted to the rank of Leut. Colonel, and saw much hard service both at the North and at the South. At the battle of Eutaw, he commanded a division of North Carolina troops, and remained attached to the army until the close of the war. He then settled himself in Halifax where he died about thirty years since.

Of myself, I have but very little to say; only that I entered the army as a Lieutenant in the spring of 1779 then but just in my seventeenth year, I am no doubt the person you see noticed as Lieutenant in January 1781. In April 1780 I went to Charleston and joined the army under the command of General Lincoln and was made prisoner on the capture of that City about the 12th of May, 1880, and experienced a long and painful captivity of about fourteen months. Afterwards I was shipped to old Jamestown in Virginia, was there exchanged

* The duel was between Captain Alexander Simpson and Lieutenant Thomas Whitehurst of H. M. Ship Viper. Whitehurst was killed. Simpson escaped but afterwards surrendered, was convicted of manslaughter and branded. (For the true account see Waddell's Colonial Officer. p. 128.)

and ordered to join Gen. LaFayette, with whom I remained but a short time; but was together with the rest of the North Carolina exchanged troops attached to Gen. Greene's Division with whom I continued until the close of the war.

SAM. ASHE.

August 23, 1833.

NOTES.

Col. Ashe says of the Moore settlement of Cape Fear that it was the third. He may mean the New England attempt, the Yeamans attempt and Maurice Moore's, or he may mean that there was an attempt in 1711.

There is on file at Beaufort town, a grant to Burrington, July 30, 1725 for land at Rocky Point, (Stag Park) 5000 acres which in the deed is stated "to have been taken up in 1711". There was an extension from Beaufort precinct south between 1708 and 1713. Major Maurice Moore bought lots in Beaufort in 1713. (He is described as of "South Carolina") His sons Gen. James Moore and Judge Maurice Moore died on the same day.

See Gen. George Davis' Address.

Col. Ashe speaks of the provincial Congress as being a Legislature.

He mentions that Gen. James Moore was Governor of S. C. at the time of our Indian insurrection; that is an error.

S. A. A.

EXTRACTS FROM AN ADDRESS BY COL. JAS. G. BURR

In the Opera House in Wilmington, February 3, 1890, on "The Old Churchyard of St. James."

Colonel James Green Burr was at his death one of the oldest citizens of Wilmington. He was of antiquarian tastes and very learned in regard to the history of Wilmington. Born in its limits in 1818, he was educated in the City Grammar School, and then was clerk and cashier of the Bank of Cape Fear for about forty years. During the Civil war he was for a time Aid-de-Camp to Governor Vance, with the rank of Colonel, and was subseqnently Colonel of the Home Guard of elderly men. After the war he engaged in banking business for awhile and was subsequently employed by the County as an accountant. Up to his death he wrote frequently and sometimes lectured about the history of Wilmington and its leading men. He was a communicant and vestryman of St. James' Church, (Episcopal).

I hope it will not be regarded as presumptuous if I invite you to accompany me in a ramble to our oldest city of the dead, the venerable churchyard of St. James. There may perhaps be found something to interest if not to furnish food for reflection. It is one of the oldest localities in the city, dating back to 1751, nearly a hundred and forty years ago. At that time the corner of Market and Fourth Street was where the old Church formally stood, and a portion of which was used as a burying ground, was given to St. James Church by Michael Higgins, one of the original settlers of the town, and to his bounty the people of Wilmington have been indebted for the ground which for so many years formed the last resting place of their departed relatives and friends.

Some years ago, in the Spring time of the year it was, and long before the present so-called improvements had been made

upon the grounds, I strolled into the old burial place of the dead. It is a sacred spot, and one can learn a lesson of the vanity of life from the still remainiug record of those who after "life's fitful fever sleep well" within its hallowed precincts. It is now almost deserted and greatly changed, but at the time of my visit, tall trees waved their untrimmed branches over the graves of those who once trod our streets, the rank undergrowth grew over and above many an old sandstone slab, bearing a brief notice of the last resting place and virtues of the departed. It was towards the close of the day, and the mild beams of the sun shone with tempered radiance. Here—there, all around me the graves of those who in former years carried life and it may be happiness within the social circle.

But my object is not to moralize, but to go back into the past and call up a few personalities in connection therewith.

Thomas Godfrey, the son of the inventor of the quadrant, and the author of the first dramatic work written in America, lies buried in that old churchyard. His grave is undistinguished from those of the numerous congregation of the dead sleeping around him. Time has long since levelled the incumbent sod and no stones were erected to mark the spot where his ashes repose. The memorials of him are few.

He was born in Philadelphia in 1736, received a common education and was apprenticed to a watchmaker. In 1758 he was appointed Lieutenant in the Pennsylvania forces raised for the expedition to Fort Du Quesne, the site of the present city of Pittsburg. On the disbanding of the troops, he removed to this place and entered into business as a merchant and a factor. He lived here about five years during which time he wrote his tragedy, "The Prince of Parthia," also the "Court of Fancy", modelled after Chaucer's "House of Fame." He died August 3, 1763, being only twenty-seven years old. The Prince of Parthia was the first dramatic work written in America. Extracts from this play may be found in Duyckink's Cyclopedia of Literature.

Godfrey spent his summers at Masonboro Sound, and was highly esteemed for his many good qualities. He wrote a piece upon Masonboro and many others of local interest, which survived for years in the recollection of the people of this sectiou but which have long since been forgotten.

In the year 1783 an Irish gentleman with his wife and two young children started from Ireland for America. Landing first at

Charleston they sojourned in that period for a brief period only and then removed to Wilmington. Within a year after their arrival here their parents sickened and died, the old churchyard received their mortal remains, and the helpless little ones were left to the cold charity of the world. One of those orphaned children, but five years old when deprived of the watchful guardianship and gentle care of his parents, was Johnston Blakely. He "who tempers the wind to the shorn lamb" watched over that helpless boy and raised up a friend in the person of Edward Jones, subsequently Solicitor General of the State, himself an Irishman and possessing those generous impulses so characteristic of that people. He adopted the boy, directed his education and was a father unto him. In the year 1800 young Bakely then nineteen years of age was appointed mid-shipman in the United States Navy. His abilities soon won rapid promotion and the war of 1812 developed the inherent heroism of his character.

In 1814 he was appointed to the command of the Sloop of War, Wasp, and early in June of that year appeared off the English coast and announced his presence by the capture of the English Ship of War, Reindeer, after an action of but fifteen minutes. His success in that brief and brilliant cruise electrified the country, and his name was on every lip, and a grateful people were prepared to welcome back the youthful hero and bestow fresh honors upon him. But alas, he returned no more. On the 4th of November 1814 the Brig Atlanta arrived at Savannah, Ga., with dispatches from Blakely for the government, and that was the last authentic information ever received of him. Whether he foundered at sea or went down amid the roar of battle was never known, the restless ocean gave no sign nor did the wild winds syllable the mystery of his fate.

Thus perished at the early age of 33 years, Johnston Blakely, one of the most gallant officers of the United States Navy and around whose name a romantic interest still clings on account of his youth and the mystery of his fate. By his marriage* in 1813 he had one child, a daughter named Udney and on the 27th of December 1816 the General Assembly of North Carolina unanimously resolved that the child of Blakely

* The widow of Blakely married a second time a Dr. Abbott of Santa Croix and removed to that place taking her daughter with her who married in 1841 Baron von Bretton, M. D., and in 1842 died without issue.

should be educated at the expense of the State which resolve was faithfully carried out.

The name of Blakely is dear to the people of North Carolina, but I hold that we of this section are more closely connected with him than all others, for he may well be classed among our most distinguished sons. This was his home in America—in our old churchyard the bones of his ancestors have long since mouldered into dust.† It was in this ancient borough that his infant years were passed and where he grew into lusty youth until he went forth into the world to shed a lustre upon his country's history and to write his name full high upon the scroll of fame, and surely I think we have the right to claim for our good old town a portion of the glory which encircles the name of that orphan boy of the lower Cape Fear.

In the northeast corner of this same old churchyard, Cornelius Harnett sleeps the sleep of death. The spot is marked by a red sandstone on which is inscribed the following,

> "Cornelius Harnett, died April 24, 1781,
> Slave to no sect, he took no private road,
> But looked up through nature to natures God."

Such is the brief and artless biography written by the men of 1781, of the first Provincial Councillor of the State, the first member of the Provincial Assembly from the borough of Wilmington, elected to that body by the unanimous vote of the people, and one of the three delegates from North Carolina, who signed the original Articles of Confederation of the United States. His beautiful home at Hilton on the Northeast branch of the Cape Fear River, embosomed in a grove of majestic oaks and luxuriant cedars was the seat of a refined hospitality. It was there that the brave hearts of olden times met together to listen to his words of wisdom and to take fresh courage from his example. It was there that he, Josiah Quincy of Massachusetts and Robert Howe of Brunswick held conference in regard to public affairs and devised plans for the success of that cause to which they had pledged their fortunes and their lives. Quincy in his diary mentions this meeting and writes in warm tones of Harnett, styling him the "Sam-

† Some years before entering the navy, Blakely lived with his guardian, Solicitor General Jones, in Chatham County. He was a student of the University but left before graduating in consequence of the destruction of of his property in Wilmington by fire.

uel Adams of North Carolina. He was bold, eloquent and incorruptible, the representative man of Cape Fear, and such was the influence he wielded that when Sir Henry Clinton issued his proclamation of amnesty to the citizens of North Carolina on the 5th of May, 1776, dated on board of the Pallas transport then lying in the Cape Fear River, there were but two names exempted from its benefits, Cornelius Harnett and Robert Howe of Brunswick.

He did not live to enjoy the triumph of the cause to which he was so devoted. While lying sick at the house of a friend on the Newberne road he was captured by a party sent out by Major Craig, the British Commandant of the town. His merciless captors compelled him to walk until he sank to the ground from utter exhaustion, then they threw him like a sack of meal across the back of a horse and thus brought him into Wilmington. The effect of such treatment upon a system enfeebled by disease could have no other than a fatal result, he sank under it, and the old churchyard of St. James contains all that was mortal of the first scholar, statesman and patriot of the age in which he lived.

I cannot say his resting place has been neglected, for the old red sandstone marks the place of his repose and points the pilgrim to his narrow bed. At the time I visited it, two aged china-trees waved their branches above him and two stalwart oaks shaded his remains from the eastern and western sun, while the fox flower in rich luxuriance grew lightly above his breast. In the days of the Revolution he was a terror to the mother country and in these later days the Legislature of the State has honored his memory by assigning his name to the county of Harnett, created from the county of Cumberland, a county whose fair proportions were shorn once before in making the county of Moore, which was also named after a distinguished son of New Hanover.

Among the many brilliant young men who shone in Wilmington society many years ago were two, particularly distinguished for intelligence, culture and many attributes. Between them an intimacy had existed from boyhood and had ripened into an affection closer than that of a brother. They were lovers of pleasure, and their circumstances in life were such as to enable them to gratify any reasonable desire or fancy. Like most young men of the day they indulged in the sports of the field but not to an injurious excess, and took pleasure in giving employment to others frequently without calculating the cost to themselves. At a pleasant gathering at their rooms one even-

ing of many of the young men of the town the conversation turned upon the existenee of a man after death and whether if he really existed, he had the power to return to earth and make his presence known. After the company had dispersed the two friends continued the discussion in which they were greatly interested and at parting it was agreed between them that the one first called away would if possible reveal himself to the survivor. A very short time after the agreement had been made, one of the parties were called to sudden death, having been thrown from hishorse while riding in the woods. Every effort was made to restore him to life but in vain, and the following day his remains were interred in the old burying ground of St. James.

His sudden and untimely death cast a deep gloom over the community for he was greatly esteemed, but to his friend the shock was terrible and, like Rachel mourning for her children, he refused to be comforted. A short time after the funeral, while sitting in his room in the darkening twilight, weary of the world and sorrowing for his departed friend, that friend suddenly stood before him and gazing sadly in his face said, "how could you let me be buried when I was not dead." "Not dead," exclaimed the survivor horror struck. "No, I was not," replied his visitor, "open the coffin and you will see I am not lying in the position in which you placed me," and vanished immediately. The survivor was a man of nerve and not easily excited, and though startled as any one would naturally be at such an occurrence was not at all inclined to believe in its reality but attributed it to a morbid condition of his nervous system or the wild vagaries of a distempered imagination. The next evening however at the same hour, and again on the ensuing evening the apparation appeared with the same mournful query, "how could you let me be buried when I was not dead."

Three times this vision appeared to him on three successive evenings and he could no longer bear the strain upon his nervous system and the agony that weighed upon his mind. At all hazard he determined to exhume the body and satisfy himself as to the truth or the falsity of the statement of his supernatural visitor. Calling to his assistance a gentleman on whom he could rely, they together proceeded under cover of night to the grave and commenced their work. Nature was in harmony with their thoughts and feelings for for it was a night well calculated to excite emotion and make their pulses throb with a wilder beat. The clouds hung

bleak and lowering overhead, the wind in fitful gusts moaned through the branches of the trees and scattered in wild confusion the dead leaves which had gathered upon many a tomb within that sacred spot. No twinkling stars looked down upon them from above, and no mortal eye was there to witness their proceedings; no sign of life in any shape or form was heard save the mournful hooting of the owl as it flitted from limb to limb. In the stillness of the midnight hour, for not a word was spoken and scarce a breath was drawn, amidst the darkness and the gloom that weighed upon them like a pall and with the clammy moisture clinging to their garments they shovelled out the earth until at length the coffin was exposed. Carefully unscrewing the lid, with reverential awe they raised it up, and with bated breath and quivering nerves he, to whom the vision appeared, threw the light from a dark lantern full upon the body as it lay full exposed to view. "Merciful God!" he cried with horror as he gazed upon his dead friend lying upon his face.

This is no fancy sketch I have drawn, ladies and gentlemen, but the simple statement of a *fact*, which is vouched for by parties whose veracity is unimpeachable. I remember well, when a child, listening to the voice of my mother as she related this circumstance which I have attempted to describe. In after years and in my mature manhood she frequently repeated it to me. It was made known to her by the chief actor in the scene, who was her near relative and with whom she was on terms of affectionate intimacy, and it has been confirmed in every particular by the late venerated President of the Ladies Benevolent Society who so recently lapsed from earth to her rest among the saints. I trust I violate none of the proprieties when I quote the following note I received from her some time since.

"Mr. Burr, the incident I spoke of months ago happened in my early youth and made an impression on my childish mind as I heard it related to my mother by an intimate friend of one of the parties. The one who stated the *fact* to my mother had been the companion by night in the graveyard search, and spoke of the horror of having seen the body lying in the posi-

NOTE.—Samuel R. Jocelyn was the one who died, and appeared to his friend Alexander, or as he was familiarly called, Sandy Hostler. The one who assisted Hostler in opening the grave was Lewis Toomer, Esq.

Jocelyn was the son of the great equity lawyer of the same name.

tion in the coffin indicated in the vision. It was made known to but very few on account of surviving relatives. Yours, C. G. Kennedy."

If the circumstance I have here mentioned stood alone and was not verified by similar instances in the history of the human race I would not regard it worthy of notice however well sustained by testimony it might be, but as it constitutes a link in a chain of events that has claimed the attention of the thoughtful in all the ages of the world, it furnishes, I think, food for serious reflection. What explanation can be given in regard to this *fact* which I have narrated?

There is another remarkable circumstance connected with that old churchyard which occurred nearly sixty years ago but which I can only glance at for reasons which will doubtless be understood. In the summer of 1833 a communication appeared in a newspaper published in a northern city which communication was sent from this town and entitled "a true narrative" and which, among other matters, charged that there were thirty-eight regular day drunkards in the then small town of Wilmington. This publication caused intense feeling among those who were at all addicted to dissipation. Some of them met together on Sunday evening and after imbibing freely and indulging in reckless remarks adjourned to meet again on the following Sunday, but on the ensuing Saturday two of this number were dead and were buried the next day. On the following Saturday another died and was followed to the grave on Sunday by his boon companions. During the interment some of the parties commented on the singularity of these deaths and the question was asked, "Who will go next?" One of them laughingly responded, "I will." On their return from the grave of their associate they stopped at a drinking saloon and as the wine cup passed freely around the question, as to who would die next and when, was discussed again. He who had volunteered at the grave again said he would go next Saturday and was called upon to name one to follow him on the ensuing week which he did and the party so chosen agreed to the arrangement.

Just as they volunteered, so they died, one, two, three. In a day or two the first one was taken sick and on Saturday was dead. As soon as it became known that he had died on that day, the other who agreed to follow him the ensuing week was taken to his bed. He made the strongest promises of reformation, offered all his possessions for life, life in any

form, poverty, misery, starvation, only life. But it was too late, he had made a convenant with death and the grave and they claimed him for their own. When the rising sun of the ensuing Saturday broke upon the town, it shone upon him sinking in death, and ere it reached its zenith he was a corpse. On Sunday the funeral bell again tolled forth as he was borne to the grave.

These remarkable occurences naturally created much excitement at the time, and were regarded by many as a direct exhibition of the awful providence of God as manifested in the particular identity that marked the circumstances of their demise, they having all died on Saturday and having been buried on Sunday. They also furnished a fruitful theme for the advocates of temperance, and it was used very freely then which gave rise to bitter controversies in the newspapers of the day. The facts of the deaths could not be controverted or denied, and I have alluded to the matter not with any desire to awaken bitter memories or to revive recollections that have long been buried, but simply as a remarkable occurrence connected with the local history of the town.

Many years ago there was an association of the ladies of St. James parish known as the Ladies Sewing Society, organized for charitable purposes and which through a series of years scattered its benefactions with a liberal hand over every part of the diocese of North Carolina. As evidence of what was accomplished by this Society, I will state that the proceeds of their labor, working only one afternoon in each week from 1822 when the Society was formed to 1843 amounted to more than $4,500. In 1832 an eligible lot was purchased by the Society and the present rectory building provided for the minister. For that important measure the parish is indebted almost entirely to the ladies of that Society. It was a noble charity and like the present associations of our noble women, was every way worthy of our admiration and should be held in lasting remembrance.

It was incorporated by the General Assembly in 1833 and authorized to hold property. Upon the lot which they purchased, adjoining the old churchyard and immediately in the rear of the present church building a commodious hall for the purpose a free school, and known for years as Society Hall, was subsequently erected by the munificence of the late Governor Edward B. Dudley and P. K. Dickinson, Esq., and presented to the Society.

It has been used for a variety of purposes since. The

services of the Church were conducted there during the erection of the present church edifice of St. James. When the Court House was destroyed in the great fire of 1840, it was there that the seat of justice was established and courts of law and equity held. Its walls have echoed the shouts of excited partisans at many a political gathering, and at a later period the heavy tramp of armed men has been heard drilling for that fearful clash of arms between the States which shook the earth and appalled the nations of the world.

About the first public use made of the house was in the Spring of 1833. At that time a fair was gotten up by the ladies for some charitable object of the church and as it was the first event of its kind in Wilmington great interest was manifested by all classes the old as well as the young. It was a complete success in every way and the amount realized was astonishingly large. Who that parcipitated in that gorgous scene will ever forget the beauty and the charm of its surroundings? I can remember, though but a youngster at the time, the many tables tastefully arranged around the room and laden with the choicest specimens of art. The genius of the painter was excited side by side with the triumphs of the modiste, nature and art vied with each other to add brilliancy to the occasion and all that could please the eye or captivate the fancy was displayed in profusion around. It was a scene of enchantment. Fair women in gorgeous toilettes moved gracefully around with glistening eyes, and smiles that caused many a pulse to throb with a quickening beat; the perfume of a thousand flowers stole gently upon the scenes and voluptuous music ravished the ear and heightened the glow of delight.

I may be pardoned, I hope, if I indulge for a moment in a slight personal retrospection in connection with the fair. I was then young and, like all youths at that period of life, was desperately smitten with a dark eyed little one who was assisting a middle-aged lady at one of the tables. I had determined to invest my entire capital in a present for the object of my idolatry, and read in the only newspaper published in the town a long list in rhyme of the articles offered for sale and had settled upon a particular one which I meant to purchase and present to her, though I had no idea what the article was. A few rhymes still linger in memory and ran thus:

"Come and buy, come and buy, we have every thing rare,
Ever pictured by fancy or modelled by care,

All that's useful or novel, or pretty or plain,
Has been gathered and ordered your bounty to gain.

"Come and buy, come and buy, all ye belles that love slaughter.
We have gloves, fans, fate ladies and Florida water,
We have parasols, pearl powder, pincushions, paper,
And glasses to twig the beau through as they caper.

"Come and buy, come and buy, we have fancy wood casketts,
Veils, vinegar scented, and bright alum basketts,
We have butterflies, buttons, knives, rasors and bodkins,
Tongs, souvenirs, scissors and 'flexible odd things'."

The euphony of that last article struck my fancy although I had no idea what "flexible odd things" were, I determined to purchase them and present them to my sweetheart. So to the table I marched behind which she stood by the side of the middle-aged lady, and boldly inquired the price of the "flexible odd things." I wanted one I added for a present for a young lady, and I cast a tender glance at the little one with dark eyes and raven locks. The words had scarcely passed my lips before I saw that I had blundered, but how, I knew not, but the blush that crimsoned her cheeks showed that her delicacy had been offended. "You impudent scamp," said the middle-aged matron, "how dare you ask a young girl for such an article as that!" "Madam," I replied with a face as red as the little one's, "I beg pardon, but please tell me what it is, for I really know nothing about it or its uses." "You spooney," she replied, "begone and find out." But as I turned to leave she stooped towards me and whispered in my ear, "It is what gentlemen seldom use as they don't wear long stockings." The secret was out, I had plunged head foremost into the mysteries of a lady's toilette, had run against a snag and had no insurance. My ignorance was no excuse for I ought to have known better and I well deserved to have applied to me that caustic line, "fools rush in where angels fear to tread."

However, the storm blew over and we were again on good terms with each other very soon, but as we grew older our paths in life diverged, each formed different connections, and alas for the remembrance of youth, the little dark-eyed houri, who was then the bright particular star of my existence, is now, and has been for years, an honored grand mother, while the verdant youth, who was such a veritable know-nothing in those days, now, in the "lean and slippered pantaloons" still totters on towards the end with lengthening shadows gathering around him.

APPENDIX.

One of the Commissions given by William and Mary, King and Queen of England to Captain Louis de Rosset is given in full below. He was descended from an ancient noble family in South France, members of which from time to time had served the French Government. He himself was a Lieutenant in its army, prior to the Revocation of the Edict of Nantes in 1685. He sacrificed a considerable fortune by adhering to his religion and emigrating from his native land.

William R.

William & Mary, King and Queen of England, Scotland, France and Ireland, Defender of the Faith, etc: To our trusty and well beloved Lewis de Rosset, Esq., Greeting. We, reposing especial Trust and Confidence in your Loyalty Courage & good conduct do by these presents constitute and appoint you to be Captain of that company whereof Captain of grenadiers Rene' de la Fucille was Captain in the Regiment of Foot commanded by Our Trusty and Well beloved Colonell de la Caillemorte. You are therefore to take the said Company into your Care and Charge and duely to exercise as well the Officers as Soldiers thereof in armes and to use your best endeavor to keep them in good order and discipline. And we hereby Command them to obey you their Captain and you to observe and follow such orders and directions from time to time, as you shall receive from Us, your Colonell or any your superior officers according to the Rules and Discipline of Warr in pursuance of the trust We hereby repose in you. Given at Our Court the 1st day of April 1689 in the first year of the Reigne.

By his Maj^tys Command
Shrewsbery.

THE SWIFT JOURNAL.

The extracts from General Swift's Journal were made by Mr. Harrison Ellery, a relative. He aimed at publishing what is of peculiar interest to the inhabitants of the Lower Cape Fear.

THE UNIVERSITY OF NORTH CAROLINA

James Sprunt Historical Monograph
No. 5

Minutes of the Kehukey Association
(BAPTIST)

With Letter of Joel Battle Fort, and with Introduction and Notes by Kemp Plummer Battle, LL.D.

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CHAPEL HILL

INTRODUCTION.

The History of the Kehukee Baptist Association was first published in 1803 by Elders Lemuel Burkitt and Jesse Read, ministers of the Gospel in Northampton and Halifax Counties in North Carolina. It was republished in 1834 by Elder Joseph Biggs, Pastor of the Baptist Church at Skewarkey, under the supervision of a committee appointed by the Association, and the history brought down to the later date. Neither of these volumes contain the first minutes of the Old Kehukey (or Kehukee) Baptist Association organized before the Revolutionary War. We are fortunate in having procured them from a descendant of one of the early members residing in Robertson County, Tennessee. We print them with the old-time spelling.

According to Burkitt and Read's book most of the churches before they were united in an Association were "General Baptists", adhering to Free-will doctrines, under the preaching of Elders Paul Palmer and Joseph Parker and their successors. Then the Philadelphia Baptist Association sent two of their ministers, Vanhorn and Miller, of New Jersey, to visit North Carolina. They and their followers were called New Lights. They were generally cordially received. Those who believed in their doctrines adopted the confession of faith published in London in 1689, containing 32 articles, the foundation of the Philadelphia and the Charleston Associations. By means of these ministers the greater part of the North Carolina Baptists became Regulars. The churches thus reformed entered into the Kehukee Association in the year 1769. Burkitt and Read mention as members some who were not present in the first organization, viz., Elders John Thomas, John Burges, William Burges, Charles Daniel, William Walker, Thomas Pope and Henry Abbott. Kehukee meeting-house was on a creek of the same name in the south-

eastern part of Halifax County, emptying into the Roanoke.

The Kehukee Association is composed of those now known as Primitive Baptists. In 1826 those known as Reformed Baptists issued a circular, which was referred to the churches of the Association. In 1827, at the meeting of the Association, according to Elder Joseph Biggs, "it was agreed that we discard all Missionary Societies, Bible Societies and Theological Seminaries and the practices heretofore resorted to for their support, in begging money from the public." * * "believing these societies and institutions to be the inventions of men and not warranted from the Word of God." Non-fellowship was also declared against joining the fraternity of Masons.

The first State Convention of those who are sometimes called the Missionary Baptists was held at *Greenville in 1803.

I learn from Rev. Pleasant D. Gold, an able and honored Elder, or preacher, of this denomination, that the first Kehukee Church was about three miles east of Scotland Neck. About fifteen years ago the old house was sold and a new church built about one mile from that town. There are now about forty churches in the Kehukee Association. Elder Silvester Hassell is the Moderator. The territory includes Nash, Edgecombe, Halifax, part of Pitt, Washington, Beaufort, Hyde, Tyrrell and Pasquotank.

Some of the leading preachers, or elders at present are Elders Silvester Hassell, G. D. Roberson, Samuel Moore, M. T. Lawrence (a grandson of Elder Joshua Lawrence), N. H. Harrison, Charles Meats, M. B. Willeford, Jordan Johnson and J. D. Armstrong. Mr. Gold is not a member of this Association, but has been pastor of the church at the Falls of Tar River for thirty years.

The Kehukee is the oldest Association of the Primitive Baptists in North Carolina and one of the oldest in the United States, those of Philadelphia and Charleston only being older.

KEMP P. BATTLE.

* In the charter spelt Greeneville.

LETTER FROM [1]JOEL B. FORT.

In the year 1789, Elias Fort and wife Sarah, with his sons William, Josiah, and Sugg Fort, Emigrated from Edgecombe County, North Carolina, Seeking homes in the then unsettled far West.

Josiah and William brought their families with them. Sugg Fort was married in Tennessee and was a number of years and until his death a Baptist Minister. In the separation of the Missionary Baptists from the Primitive Baptists which was occasioned by the preaching of Eld. Ruben Ross who came from Edgecombe County, N. C. a short time after the Fort emigration, Elder Sugg Fort sided with Father Ross and preached for the Missionary Baptists till his death in 1826.

The emigrant company in 1789, when they reached Knoxville, employed Gen. Andrew Jackson to guard them and protect them against the attacks by Indians over the Cumberland Mountains and as far as Nashville. Elias Fort and his sons passed Nashville and settled on the waters of Red River near the mouth of Sulphur Fork Creek where the village of Port Royal now stands. They entered large tracts of land, some of which has continued to descend from father to son to the present time. During the long journey over the mountains and to Nashville, a strong and lasting friendship was cemented between the Fort family and Gen. Jackson. Later on in 1796, William Fort and Gen. Jackson met as Members of the "First Constitutional Convention of Tennessee" at Knoxville, and old ties were so strengthened and confidence engendered that William Fort made his last will and testament naming Gen. Andrew Jackson as his executor.

His will is on record in Minute book No. 1 in the County Court of Robertson County, Tennessee. William Fort passed

away before "Old Hickory" became the hero of New Orleans and the idol of the Nation.

Red River Church was organized at the mouth of "Sulphur Fork on Red River, District of [2]Mero, Tennessee County on the 5th day of July 1791 by Ambrose Dudley and John Taylor," Minute Book. Red River Church, page 1.

These Baptist Ministers and devout servants of God rode on horseback carrying their scanty wearing apparel, Bible and Hymn Books in their saddle bags along the Indian trail over the plains, through the unbroken forests, and as they journeyed for the first time, the hymns of praise sung from fervent souls echoed through the primeval woodland.

On April 27, 1794, the Minutes of Red River Church show: "Received Elias Fort and his wife Sarah by letter of recommendation from the Baptist Church of Christ, near the falls of Tar River in Nash and Edgecombe Counties, North Carolina." In the back of this old book, sear in leaf and worn of cover, will be found the first Minutes of Old Kehukey Baptist Association, organized before the Revolutionary War, with Elisha Battle, Elias Fort and William Horn as delegates from Tar River Church. The Minutes are recorded *each year till 1777, and the place of meeting selected for 1778. But no more is recorded. It is to be presumed that, in the perilous times when the infant nation was fighting for life and existence, those devout people found little time or opportunity to assemble and worship as they had done in the past. After the Minutes cease in 1777, a family record of the Fort family is found, showing that the book fell into the hands and safe keeping of that family and was thus delivered by them to the first Church organized in Tennessee, to be used as a Minute book. The Minutes of said church are therein recorded till 1826. My correspondence with Dr. H. B. Battle revealed the loss of this much of the history of the old Kehukey Association which I cheerfully supply. I have the old book in my possession and am careful of its preservation. The copy I

* Except 1775. See page 25.

furnish is an exact copy of the original, which, if as interesting to those who may chance to read as it has been and is yet to me, will entirely repay me for making the copy for Dr. Battle.

JOEL B. FORT.

Adams, Tenn.
Mar. 21st, 1903.

MINUTES KEHUKEY ASSOCIATION,

NOV. 6th, 1769 TO 1777.

The Sixth day of November Anno Domini 1769 A Considerable number of Baptists Ministers and Brethren met at Kehukey in the County of Hallifax and province of North Carolina to Consult about the expediency of An Association and the Manner of Conducting it to the advantage of the Churches. The issue of the Meeting was adopting the platform and Sentiments of the Philadelphia Association and thereon forming themselves into a like Body. The Churches that incorporated this year is the Church at Kehukey in Hallifax County, the Church at[3] Tossneot, and Tar River in Edgecomb County and the Church in Bertie and the Church in Pitt County.

The Sentiments Concerning an Association, that such an Association is useful and beneficial, are first Union and Communion among themselves Maintaining more effectually the order and faith once delivered to the Saints, having advice in cases of doubt, helps in distress &c.

Secondly, that such an Association is consistant with the independency of particular Churches because it pretends to be no more than an advisory Counsel, Disclaiming Superiority, Jurisdiction, Coercive right or infallibility.

Thirdly, that an Association should consist of Men Knowing and Judicious especially in Scriptures. And now in Concurrenee with the above Sentiments We whose names are hereunto Subscribed being met together, as we trust in fear of God and having a desire to promote the glory of God and the good of his Church, We have unanimously united and joined ourselves together in an Association.

CHURCHES.	MESSENGERS.
Kehukey . . .	[4]John Meglamore.
. . .	Jessie Andrews.
. . .	Thomas Witherby.
Bertie . . .	[5]James Abbington.
. . .	Ephram Daniel.
. . .	James Vinson.
Tar River . . .	John Moore.
. . .	[6]Elisha Battle.
. . .	Elias Fort.
. . .	[7]Wm. Horn.
Tossneot . . .	[8]Jonathan Thomas.
Pitt . . .	Jeremiah Robin.
. . .	John Nobell.

PLAN OF ASSOCIATION.

1. The Association to consist only of Messengers Chosen and Sent by the Churches. These Messengers to be their Ministers (for reason given in Sentiment 3) together with some Judicious brethren, their expenses to be borne by the Churches which send them.

2nd. With the Messengers the Churches send letters addressed to the Association, in these letters mention is made of the names of the Messengers and their authority to act for their Churches, also the State of the Church touching their peace, their increase by Baptism and by letters dismission and commendatory from other Churches, touching their disminuation by death, excommunication and dismission to other Churches, and the present number of members. If any questions are to be put to the Association, any advice to ask, or any business to propose, these are to be expressed in said letters.

3rd. All matters to be determined in this Association by the sufferage of the Messengers, except what are determin-

able by Scripture, such matters are never put to the decision of votes. All that speak are to address the Moderator, who is to take care that none are to be interrupted while speaking, and that no other indecorum take place.

4th. Churches are to be received into this association by petition setting forth their desire to be admitted, their faith, order and willingness to be conformable to the rules of the Associated body. When a petition is read and matters ripened for a vote, the Moderator states the question, sufferage being given in favor of the petition, the said Moderator declares that such a Church is received into the Association in token of which he gives the Messengers the right hand of fellowship and bids them take their seats.

5th. The Association to meet annually at Kehukey Meeting house on Monday next after the first Sunday in August and to continue till business be finished, it is to be opened with divine Service, after which a Moderator and Clerk are Chosen, the letters from the Churches are read the names of the Messengers are written that they may be called over after Meetings, then business is attended to and Minutes thereof made. A circular letter to the Churches is made and signed and a copy of it sent to every Church containing the Minutes of the association, the States of the Churches when and by whom Services are to be supplied, who to preach the next association Sermon, and whatever else is needful for the Churches to know.

6th The faith and order of this Association are expressed in a confession put forth by upwards of a hundred congregations in Great Britain in the year 1689 and adopted by the Association of Philadelphia in 1742. Some of the principles in said Confession are, the imputation of Adam's Sin to his posterity, the inability of man to recover himself, effectual Calling by Sovereign Grace, Justification by imputed righteousness, Immersion for Baptism and that on profession of faith and repentance, Congregational Churches and their

independency, Reception into them upon evidence of sound Conversion &c.

Hallifax County. At an association held at Kehukey Meeting House the 6th day of November 1769.

CHURCHES.	MESSENGERS PRESENT.
Kehukey . . .	John Meglamore.
. . .	William Burgess.
. . .	Jessie Andrews.
. . .	Thomas Wethersby.
Bertie . . .	James Abbington.
. . .	Ephram Daniel.
. . .	Thomas Miers.
Pitt . . .	Jeremiah Rohm.
. . .	John Nobell.
Tar River . . .	John Moore.
. . .	Elisha Battle.
. . .	Elias Fort.
. . .	Wm. Horn.
Tossneot . . .	Jonathan Thomas.

Received as assistants to sit in Ass'n from Fishing Creek in *Bute County, Zachariah Thompson and Laurance Winfield, Jonathan Thomas Chosen Moderator and Elisha Battle Clerk.

Whereas Charles Daniel Minister being charged with disordely Walking has this day by the consent of himself and this Association Come to a legal trial and by the opinion of said Association it is ordered that the said Charles Daniel from henceforth is suspended from communion and silenced from preaching until a restoration.

Hallifax County. At an Association held at Kehukey Meeting House the 6th. day of August 1770.

* Now Warren.

CHURCHES.	MESSENGERS PRESENT.
Tossneot . . .	Jonathan Thomas.
. . .	Moses Baker.
Kehukey . . .	John Meglamore.
. . .	William Burgess.
. . .	Livy Lancaster.
. . .	Thos. Wethersby.
Bertie . . .	James Abbington.
. . .	Thos. Miers.
. . .	Jonathan Carr.
. . .	Jessie Hart.
Tar River . . .	Elisha Battle.
. . .	William Horn.
. . .	James Wiggon.

Rec'd as assistants to sit in the Ass'n from Fishing Creek Church Bute Co. Zachariah Thompson, William Allen, Laurance Winfield.

Ques. Who was Melchezedeck according to Hebrews the 7 Ch. 15 V's?

Ans. That he was a man according to our Judgments.

Ques. Is it a transgression worthy of suspension for a church member to buy a ticket in a lottery and insist upon it being lawful and not sinful so to do?

Ans. It is unlawful and worthy of suspicion.

Ques. How can God be said to repent when he is unchangeable as in 1 Sam. 15 and 29?

Ans. Gods repenting in Gen. C. 6 we understand to be meant the human nature of Jesus Christ the Son of God, but in 1 Sam. 15, 29, we understand to be meant his divine nature which cannot repent, alter or change.

Ques. Whether God did decree the possibility of any thing that never did nor never will come to pass?

Ans. In the Affirmative that he most Certainly did.

Upon reading a letter from Charles Daniel directed to this Association it is agreed that John Meglamore, William Bur-

gess and Levy Lancaster and Thos. Overby be appointed a committee to prepare a letter in answer to that of the said Daniel. Ordered by this Association that when a Minister is to be ordained the Church where he resided shall call to their assistance two ordained Ministers or more. Ordered that John Moore be appointed to preach the Ass'n Sermon next year.

Hallifax County at an Association held at the Kehukey Meeting House the 5th day of August 1771.

CHURCHES.	MESSENGERS PRESENT.
Tar River	John Moore.
	Elias Fort.
	William Horn.
Tossneot	Johnathan Thomas.
	Moses Baker.
	John Thomas.
Bertie	James Abbington.
	Thomas Deans.
Kehukey	James Vinson.
	John Meglamore.
	William Burgess.
	Thos. Oveby.
	Thos. Wethersby.
	James Bell.
Pasquotank	Henry Abott.
	Joseph Creeper.

Rec'd as assistants to sit in Ass'n from Wm. Walkers Church on Fishing Creek, Zachariah Thompson, Mathew Thomas, Wm. Cook, John Meglamore chosen Moderator, Elias Fort Clerk. Henry Abett pastor of the Church in Pasquotank County joined himself a member of this Association and is received as such. Jonathan Thomas motioned that the general conference Book be read and as many of the

Queries adopted in the Association Book as can be universally received by the Association. The same is granted.

Ques. How doth mankind first attain to the knowledge of moral good and evil?

Ans. By External revelation.

Ques. Whether the commission of sin or the omission of duty among professors is the most heinous crime?

Ans. Sins of omission or commission receive their aggravation from Circumstances &c. and therefore no general answer can properly be given which are most heinous, but we hereby caution Christian professors against both.

Ques. Whether it is lawful for a woman to vote in conference or not?

Ans. It is not.

Ques. Is it orderly for a male member in our Churches if he finds freedom to exhort in publick or not?

Ans. We Judge it is the duty of any person who looks upon it to be his duty to exhort his fellowmen, first to acquaint the Church with his desire and to obtain priviledge of the Church for that purpose.

Ques. Whether the pastor of any particular church may lawfully leave the place of his attendance to live in a branch of his Church distant from his former attendance?

Ans. A pastor of a Church, that is so for a limited time, may remove any where when said time is expired, But if his pastoral charge is for life he may not remove without the consent of the people he was ordained over.

Ques. Is it orderly for those called regular Baptists to commune with the [9]Separate Baptist Church?

Ans. We esteem it our duty to commune with any Baptist Church or orderly member who has the essential of Church Communion, viz. Those whose principles in fundamentals are not heretical and whose practices are not vicious.

Ques. What is meant by Christs Second Coming which is so often spoken of in Scriptures?

Ans. It is his coming to Judgement.

It is agreed that, an Association fund be established and be supported by voluntary contributions from the Several Churches, the sum they bestow for that purpose be specified in their letters and sent to the Association by their Messengers and We appoint William Burgess our Treasurer during the Associations pleasure. On motion made by Jeremiah Walker it is agreed that delegates be appointed to attend the Separate Baptist Association in Virginia and by a private poll held for that purpose, Jonathan Thomas, James Abbington and John Meglamore appointed to attend said Ass'n the last Saturday in Sept. A motion made by Jonathan Thomas for an occasional Association to be held for furtherance of business to intervene between this and the next annual Ass'n., it is agreed that an occasional Ass'n. be held at Fishing Creek Meeting House in Bute County the 3rd Saturday in November next.

At an Association held at William Walkers Meeting house on Fishing Creek in Bute County the 16th day of November 1771.

CHURCHES.	MESSENGERS PRESENT.
Kehukey . . .	John Meglamore.
. . .	William Burgess.
. . .	Thos. Oveby.
. . .	Nath'l Tatum.
. . .	James Bell.
Tossneot . . .	Jonathan Thomas.
. . .	John Thomas.
. . .	Ruben Hoge.
Tar River . . .	John Moore.
. . .	Elisha Battle.
. . .	Elias Fort.
. . .	Henry Horn.

Received as assistants to sit in Ass'n. from Fishing Creek

Church Wm. Walker, Wm. Davis, Richard Acock, Francis Coppe, Mathew Thomas, Zachariah Thompson, Wm. Cook, Wm. Solymon, Wm. Allen. From Burches Creek, Va. John Creel. From Amelia in Va. Jeremiah Walker, John Williams, John Meglamore chosen Moderator, Jeremiah Walker Clerk.

Proceed to business on Monday Nov. 18th. 1771.

Ques. Whether the fourth Commandment obliges Christians to observe the Sabbath in as strict a manner as it did the Jews under that dispensation?

Ans. We hold and believe that the fourth Commandment obliges us to observe the Sabbath as a moral precept and not by a positive New Testament institution.

Ques. What is to be done in case a Church in communion with us should neglect to keep up a strict discipline, according to the word of God?

Ans. When a member of any Church is acquainted with a member or members of any other Church in Communion the proper way to find whether the church tolerates such members in such practices is to deal with such a member or members in Gospel order (if the difference be private) or bring them before the Church (if publick) and if the Church refuses to Censure such a member or members, he ought to inform the Association of their proceedings and if they continue to indulge such offenders the Association ought to expel them from Communion and Correspondence and if they belong to any other Association to inform the Association to which they are joined thereof. Jonathan Thomas motioned that the Association in the future begin and business proceeded to on Saturday, that the Communion on the Sabbath be better attended to, it is unanimously agreed on.

Ques. What are we to understand with respect to discipline by our Saviour's words to Peter "I say not till Seven times but till Seventy times Seven" and what are the Symptoms of repentance in the transgressor on which this forgivness is to be founded?

Ans. We believe that our Saviour's words to Peter shows that the times of forgiveness are unlimited and the symptoms of repentance necessary to forgiveness are, An ungenerous and humble acknowledgement of the offense making the Confession as public as the Commission and engaging for the future by Divine Assistance to guard against Sin.

Ques. If a member of a Church Commit some Scandalous crime publicly before the world whether it is according to the gospel rule to reconcile such matters in a private manner by a few of the members of the Church?

Ans. Before the Church.

Ques. Whether it is a Ministers duty to forbear speaking to open or vindicate the truth in any matter either of queries or dispute in difference for fear some members should be prejudiced or offended?

Ans. No.

Ques. Suppose a number of Baptized members all of the female Sex, should dwell at a distance from any other baptist Society, are they or are they not Justifiable in Meeting together to pray and edify each other in the things of God?

Ans. They are Justifiable.

Upon some consideration the time of holding the association is altered and to be held at Kehukey Meeting House annually on the Saturday next before the Second Sunday in September.

Halifax County. At an Association held at Kehukey Meeting House on the 12th. day of Sept. 1772.

CHURCHES.	MESSENGERS PRESENT.
Kehukey . . .	William Burgess, Past'r.
. . .	William Bishop.
. . .	Thos. Oveby.
Tar River . . .	John Moore, Past'r.
. . .	Elias Fort.
. . .	Elisha Battle.
. . .	William Horn.

Sussix.Cor'd Va. . .	John Meglamore, Past'r.
. . .	Nathaniel Tatum.
. . .	Nathaniel Holt.
. . .	Richard Marks.
Tossneot . . .	Jonathan Thomas, Past'r.
. . .	Moses Baker.
. . .	Nathan May.
Fishing Creek . . .	William Walker, Pastor.
. . .	Richard Acock.
Bear Creek . . .	Joshua Herring, Past'r.
. . .	Major Croom.
. . .	Abraham Baker.
Brunswick Co. Va. . . .	Zachariah Thompson, Past'r.

Jonathan Thomas Chosen Moderator, William Andrews Clerk.

Bertie . . .	Lewis Thomas.
. . .	John Bishop.
. . 15 .	James Vinson.
Pasquotank . . .	Isaac Jones.
. . .	John Berry.

Proceed to business on Monday Sept. 14, 1772.

The following ministers petitioned in behalf of their Churches to join the Association (to wit) Joshua Herring, John Maglemore, Zachariah Thompson, and William Walker. The Said Ministers and their Churches are rec'd as members of sd Association, Letters from the Several Churches read.

Motion. Is it legal for any church who is joined to an association to leave the same and join another association without permission from the former or not?

Answer. We conclude that it is legal nevertheless it would be commendable for such Ministers and Churches if opportunity permitted to acquaint such Association for their design.

Ques. How many delegates shall be Judged convenient for one Chnrch to send as members to an Association?

Ans. Two from the body and from each branch.

Motion. Is it thought necessary to address his Excellency the Governor?

Ans. It is thought expedient.

Ordered that the following address be presented to his Excellency the Governor.

To his Excellency Josiah Martin Esqr Governor and Commander-in-chief of the Province of North Carolina.

The Humble Address of all the Ministers and Elders of the Baptist Society, who associate annually in Hallifax County in the Province aforesaid in behalf of themselves and many hundred of their Brethren.

It is with unfeigned pleasure we acknowledge the happiness with which we are blessed in Common with other inhabitants of this Province under your Administration of government, but we beg leave in a more particular manner to express our gratified Sentiments of the protection we enjoy in exercise of our religious and civil liberties, for which it is our duty and shall be our constant endeavor to distinguish ourselves as loyal Subjects to our most gracious Sovereign, and useful members of Society. We hope this address will not be considered for a customary compliment, but a tribute of acknowledgement due to your merit from the experience we have had of your publick conduct. It is our prayer to the Almighty that as he has placed you in a most distinguished Station he would most eminently guide and direct you in all your actions and bless you with prosperity here and everlasting happiness hereafter.

Signed at our Association in Hallifax County Sept. 17th. 1772.

Jonathan Thomas, Moderator.
Elisha Battle, Clerk.

We appoint our Brethren Jonathan Thomas, Henry Abbot,

William Horn, Elisha Battle, John Thomas and William Burgess to present this address.

To which his Excellency was pleased to make the following answer. To the Ministers, Elders and Brethren of the Baptist Society in North Carolina.

Gentlemen:—I received with pleasure this mark of your approbation of my publick conduct, which my duty to my Royal Master calls upon me to make as much as possible conducive to the happiness of his Majesty's people in this Province. From the consciousness of steadily aiming to discharge that duty faithfully I derive a real inward Satisfaction. The tolerating Spirit of the Brittish Government, and the Security it gives to the civil and religious liberties of the Subjects are blessings of which you seem to entertain a just sense and cannot be to highly valued. Your intended constant endeavor to distinguish yourselves as loyal Subjects to our most gracious Sovereign and useful members of the Community are highly commendable and will be certain crowned with Success as they shall be properly directed. I return you my hearty thanks for your pious good wishes to me and shall hope a continuance of them.

Josiah Martin, Gov.

Upon some consideration the Association have agreed to meet at Kehukey Meeting House in Hallifax County and to proceed to business on the Saturday on the first Sunday in August Annually.

Jonathan Thomas, Mod.
William Andrews, Clk.

At Kehukey Meeting house in Hallifax County the Association Met according to appointment on the 31st. day of July 1773.

CHURCHES.	MESSENGERS PRESENT.
Tar River . . .	John Moore, Pastor.
. . .	Elisha Battle.
. . .	William Horn.
. . .	Daniel Ross.

Kehukey . . .	Wm. Burgess, Pastor.
. . .	Thos. Ousby.
, . .	Levy Lancaster.
Fishing Creek . . .	Wm. Walker, Pastor.
Tossneot . . .	Jonathan Thomas, Past'r
. . .	Moses Baker.
. . .	Nathan May.
Pasquotank . . .	Henry Abbot, Pastor.
. . .	John Wilson.
. . .	Lem'l Burkitt.
. . .	Wm. Lurry.
. . .	Isaac Jones.
Sussix C. Va. . . .	John Meglemore, Pastor.
. . .	James Bell.
. . .	Nathaniel Holt.
. . .	John Sturgeon.
. . .	Wm. Andrews.
. . .	Shadrack Baley.
Bertie . . .	Wm. Campbell.
. . .	Wm. Connor.
. . .	John Mc'Cabe.
Brunswick, Va. . .	Zack Thompson, Pastor.
. . .	Rollin Williams.
. . .	David Borrow.
. . .	Wm. Ravies.
. . .	Buckner Lanier.
Pungo in Va. . . .	Robt. Lane.
. . .	Augustus Lane.

John Maglemore Chosen Moderator and Lemmel Burkitt Clerk.

Letters from Several Churches rec'd.

Monday Morning August 2nd. 1773.

A regular Baptist Church at Pungo in princess Ann County, Virginia by a letter petitioned to join the Association, an examination finding them to be a church well regulated and constituted, agreeable to gospel rules and order,

they are received. The present State and Standing of the aforesaid Churches is as follows.

CHURCHES	MINISTERS	Baptized	Rec'd by Letter	Restored	Dismissed	Dead	Excom.	Members	Increase
Tar River	John Moore	7	2					84	9
Kehukey	Wm. Burgess	13				2		63	10
Fishing Creek	Wm. Walker	10			5			300	5
Tossneot	Jonathan Thomas	21	2			2		100	21
Pasquotank	Henry Abbot								
Sussix Co. Va.	John Meglamore	67			10	1		187	56
Bertie	Minister dead								
Brunswlck, Va.	Zach. Thomas	100			13	5		188	82
Pungo in Va.								76	

Motion made for circular letters to be sent to their Several Churches and agreed on.

Ques. What shall a Church do with members when they rent themselves off from her without just cause?

Ans. That the Church shall publickly declare that such members have without just cause irregularly rent themselves off from the Church, and that whatsoever offence the Sd. members are or shall be guilty of, that such a church is clear of the reproach.

[11]Ques. What shall be done with a member that believes that Christ in his life and death fulfilled and made satisfaction to the law of God for all mankind?

Ans. That such a tenet is unscriptural and that it would be prudent in Churches having such a member to use all possible means consisting of love to convince and reclaim him.

Ques. Whether a Church have the right to remove a Deacon to a ruling Elder?

Ans. Yes, if the person is willing.

Motion made by a letter of Correspondence to be sent to the Philadelphia Association and agreed on.

Motion. For some method to be taken to regulate a sister Church in Bertie County.

Answer. It is agreed that the delegates of the Sd. Church should nominate some particular Ministers belonging to the Association to attend the said Meeting house and to receive the Members by experience into Church fellowship, accordingly they Chose John Moore, Jonathan Thomas and Lemuel Burkitt.

Motion. That a letter by way of admonition be sent those Churches that omitted Sending the Association on account of their states and Standing, and the Association appoint Brothers, Jonathan Thomas and Lemuel Burkitt to draw the letter in behalf of the whole.

Ques. A Controversy being between two Brethren being brought before the church and the Church appoints a committee to Settle the matter and when brought to trial being under bonds to abide by a Christian trial, the matter being determined and then part of the Church apprehending the committee being misinformed, gave a wrong Judgment as they conceive which lies on them as a burden, what shall be done in such a case?

Ans. Have a new trial by the same committee.

JOHN MEGLAMORE, Modr.
LEMUEL BURKITT, Clerk.

At Kehukey Meeting house in Hallifax County the Association Met by appointment on the 6th. day of Aug. 1774.

CHURCHES.	MESSENGERS PRESENT.
Tar River . . .	John Moore, Pastor.
. . .	Elisha Battle.
. . .	John Moore, Jr.
. . .	Henry Hart.
Kehukey . . .	Wm. Burgess, Pastor.
. . .	Stephen Wesley.
. . .	John Mc'Cabe.

Fishing Creek . . .	Wm. Walker, Pastor.
. . .	Charles James.
. . .	Samuel Thompson.
. . .	Wm. Mc'Gregor.
. . .	Charles Ivey.
. . .	Wm. Andrews.
Tossneot . . .	Jonathan Thomas, Pastor.
. . .	John Thomas.
. . .	Moses Baker.
Brunswick . . .	Zachariah Thompson, P.
. . .	Peter Lee.
. . .	Buckner Lanier.
. . .	Isom Reavis.
Pasquotank . . .	Henry Abbott, Pastor.
. . .	Joseph Creecy.
. . .	Isaac Jones.
. . .	R. Harrison.
. . .	Benj. Wilson.
. . .	Wm. Constantine Luton.
Sussix Co., Va. . .	John Meglamore, Pastor.
. . .	Wm. Andrews.
. . .	John Sturgeon.
. . .	Z. Bell.
. . .	Sha'd Bailey.
Sandy Run . . .	Lemuel Burkitt, Pastor.
. . .	Mc'Allister Vinson.
. . .	James Lassiter.
. . .	Jessie Williams.
Red Bank . . .	No Pastor.
. . .	Wm. Traves.
. . .	John May.
Bear Creek . . .	Pastor not present.
. . .	Abraham Baker.

A Church in the Iles of White [Isle of Wight] County, Va. applied for admission into the association and is rec'd. David

Borrow, Pastor. A Church in Craven County, Willis, Pastor, also applied for admission and is rec'd. A Church in Granville County, Tar River, Ledbetter, Pastor made application to join the association.

"The Proceedings of the Association in 1775 is loste".

At the Meeting house at Tossneot in Edgecomb County the Association Met according to appointment on the 24th. day of August 1776. Letters being read. A Clerk and Moderator was chosen, the Association adjourned till Monday.

CHURCHES.	MESSENGERS PRESENT.
Tar River. . . .	John Moore, Pastor.
. . .	Elisha Battle.
. . .	Elias Fort.
. . .	Jacob Dickinson.
Bear Creek. . . .	Joshua Herring, Past.
. . .	Samuel Peacock.
. . .	John Rows.
Duplin. . . .	Richard Brown, Pastor.
. . .	Timothy Williams.
. . .	Joseph Eason.
. . .	John Segrist.
Tossneot. . . .	John Thomas, Pastor.
. . .	Theophilus Thomas.
. . .	Moses Baker.
. . .	John Staned.
. . .	Ruben Huse.
. . .	Godfrey Staned.
Kehukey . . .	William Burgess, Pastor.
. . .	Solomon Atkinson.
. . .	Henry Jones.
Fishing Creek, Halifax Co.	Thomas Daniel, Pastor.
. . .	Jesse Pope.
. . .	Mathew Raborn.

Johnston . . .	John Moore, Jr., Pastor.
. . .	William Wood.
. . .	John Sanders.
Fishing Creek, Bute Co.	Charles James.
. . .	Richard Bennett.
Nuse River . . .	James Brinson.
Craven County . .	James Willis.
Sandy Creek . . .	Edward Carlile.
. . .	Wm. McGregor.
. . .	William Solymon.
. . .	William Anderson.
Pitt County . . .	Henry Ellis.
. . .	George Williams.

CHURCH	PASTOR	Baptized	Rec'd by Letter	Restored	Dismissed	Excom.	Members	Increase	Dead	Under Dlng.
Tar River	John Moore, Sr.	3	...	...	...	3	126	...	...	2
Bear Creek	Joshua Herring	...	...	...	...	...	...	...	...	...
Duplin	Edward Brown	...	...	...	...	...	23	...	...	...
Tossneot	John Thomas	40	...	...	...	2	340	38	...	3
Kehukey	Wm. Burgess	1	...	...	...	...	34	1	...	1
Fishing Crk. (Halifax)	Thos. Daniel	47	...	...	...	...	103	45	2	...
Johnston	John Moore, Jr.	46	5	...	...	..	76	51	...	...
Fishing Creek (Bute)	Wm. Walker	13	1	2	3	11	136	2	1	...
Nuse River	Joseph Willis	...	...	...	...	...	140	...	...	...
Sandy Creek	...	12	...	...	7	1	63	...	...	...
Pitt	...	...	...	...	...	1	63	...	...	...

The Association met according to adjournment and proceeded to business. The Church under the Care of Edward Brown Joined the Association. The Association moved to Moore's Meeting house 3rd. Sunday in Oct. 1777.

At the Meeting house on Tar River in Edgecomb County the Association met according to appointment. Letters from the Several Churches being read the association proceeded to business. First John Thomas was chosen Moderator and John Battle [son of Elisha] Clerk.

CHURCHES.	MINISTERS PRESENT.
Tar River . . .	John Moore.
. . .	Daniel Ross.
. . .	Emanuel Skinner [First Pastor of Red River Church in Robertson Co., Tenn.].
. . .	Elias Fort.
Tossneot . . .	John Thomas.
. . .	Aaron Tyson.
. . .	Wm. Bond.
. . .	Ephrm Daniel.
. . .	John Staned.
Bear Creek . . .	Abram Baker.
. . .	Wm. Taylor.
Duplin . . .	Joshua Sikes.
. . .	Joseph Eason.
Kehukey . . .	Wm. Burgess.
. . .	Benjamin Dukins.
. . .	Thomas Joyner.
Fishing Creek, Halifax Co.	Hezekiah Morris.
. . .	Mathew Rabun.
Sandy Creek . . .	John Brown.
. . .	Wm. Andrews.
. . .	Simon Williams.
Fishing Creek, Bute Co.	Samuel Thompson.
. . .	Charles James.
Flat Swamp. Pitt Co. .	John Page.
. . .	Godfrey Staned.
. . .	Nathan Mayo.
Three Creeks, Johnston Co.	John Moore.
. . .	John Sanders.
. . .	Hardy Sanders.
. . .	James Moss.
. . .	Aaron Sugg.

CHURCHES	MINISTERS	Baptized	Recd. by Letter	Restored	Dismissed	Deceased	Excom.	Members	Increase	Undr. Dlng.
Flat Swamp	John Page	...	...	...	...	1	...	64	34	4
3 Creeks (Johnston)	John Moore, Jr	...	...	...	...	...	...	108	27	3
Fishing Creek (Bute)	Wm. Walker	10	20	...	9	3	3	...	...	3
Sandy Creek	...	...	...	...	...	...	...	...	...	...
Fishing Crk. (Halifax)	...	6	2	..	2	4	1	101	1	7
Kehukey	Wm. Burgess	...	...	...	...	...	...	47	...	1
Duplin	...	...	...	...	...	...	...	...	...	...
Bear Creek	Abram Baker	...	...	...	...	...	...	45	...	...
Tossneot	John Thomas	40	...	...	...	...	...	230	...	...
Tar River	John Moore	1	...	...	2	2	4	113	...	...

A Church in Flat Swamps in Pitt County (to wit) John Pages petitioned for admission into the association and was received.

John Moore Sr. moved for a plan to be fallen upon for Marriage in the regular Baptist Society, the association took it into consideration and appointed John Moore Sr., John Staned, John Thomas and Nathan Mayo a committee to draw a plan for the same. The Association adjourned till Thuesday 20th day of October 1777.

The Association met according to adjourn't. The committee brought in the plan they had formed for Marriages which is as followeth (viz) The persons intended to marry shall be properly published three Several Sundays in publick congregation (or parish) in the County (or parish) where one or both of the parties resides by the Minister (or clerk) of some regular Baptist Church having care of souls, and if the persons appear in order for marriage the Minister shall propose the following questions (or to the same import) whether they are free and clear from all or any other preengagement, and shall lay before them the danger and ill consequences of the falce fying of any former engagement, and shall inform or instruct them what the great end or design of the Ordinance or Insti-

tution of Marriage and likewise instruct them in their duty to God and to each other, that they may live so as to answer the end and design of that ordinance and proceed as followeth (viz)

To the man N—Wilt thou in the presence of God and this Congregation take this woman to be thy wedded wife, to live together after God's ordinance in the holy State of Marriage, to love, honor and Cherish in Sickness and in health, in prosperity and adversity, forsaking all others, keep thee only unto her so long as you both shall live (the man shall answer) I will.

And then to the woman as followeth (viz)

N—Will thou in the presence of God and this congregation take this man to be thy wedded husband to live together after Gods ordinance in the holy State of marriage to love, honour and obey in Sickness and in health, in prosperity and adversity, and forsaking all others, keep thee only unto him so long as you both shall live. The woman shall answer, I will. Then the man shall say after the Minister as followeth (viz) I.N—take thee N—to be my lawful and wedded wife to live together after Gods ordinance in the holy State of marriage, to love, honor and Cherish in Sickness and in health, in prosperity and adversity and forsaking all others keep me only unto thee so long as we both shall live and thereto I plight thee my troth (then likewise the woman) I N— take thee N—to be my lawful and wedded husband to live together after Gods ordinance in the holy State of Marriage, to love, honour and obey in Sickness and in health, in prosperity and adversity and forsaking all others, Keep me only unto thee so long as we both shall live and thereto I plight my troth, then Joining their right hands together the Minister shall say. These whom God hath joined together let no man put asunder And shall pronounce them man and wife in the name of the Father, Son and Holy Ghost, Amen.

Appointed that the Association be the Saturday before the

second Sunday in October 1778 at the Meating House on Fishing Creek in Hallifax County, North Carolina.

[This is a true and perfect copy of the minutes of Kehukey Association as now recorded in the book now in my possession.

JOEL B. FORT]

NOTES.

[1] Joel Battle Fort is a descendant of Elias Fort, and William Horn, "Messengers," or Delegates, from the Tar River church to the Kehukee Association. He is also descended from Elisha Battle, the third messenger, who sometimes acted as clerk and at others as moderator. He was born in 1854, his parents being Josiah William Fort and Eliza Penelope Dancy. He is a missionary Baptist, a prominent lawyer of Tennessee, and a successful manager of large farming interests, is a graduate of Cumberland University at Lebanon in Tennessee, and served two terms in the General Assembly.

[2] Mero District in West Tennessee was named in honor of the Spanish Governor of New Orleans., who favored the traders of the west.

[3] Tossneot is an Indian name spelt in various ways—Toesnot, Toisnot. There is a swamp of that name and a creek running from it. The village on the Wilmington and Weldon Railroad called Elm City once was known as Toisnot.

[4] John Meglamore, the name spelt by Burkitt and Read Meglamre, probably the same as our McElmore, was a Northern man. He had the pastoral care of the church at Kehukee. He then was pastor of a church in Sussex, Va. He was generally moderator of the Association. He left the Kehukey Association and joined that of Portsmouth, Va. He died 13th December 1799 in the 70th year of his age.

[5] James Abbington was from Bertie county; was addicted to sporting until his conversion, when he became a pastor and "a Boanerges in preaching the Word." He died in 1772.

[6] Elisha Battle was born in Nansemond county, Va., moved

to Tar River, when 24 years old, was often moderator of Associations. He was a Justice of the Peace as early as 1756, member of the General Assembly of this State from 1771; of the Congress that formed the State Constitution and Senator from Edgecombe during the Revolutionary period and repeatedly afterwards. He was also member of the Constitutional Convention of 1788, which postponed the adoption of the Federal Constitution, and was often Chairman of the Committee of the Whole. He died March 6, 1799, in the 76th year of his age. His absence from the Association in 1777 was because he was State Senator.

[7] William Horn was Colonel of the County in Colonial times. He was also a member of the Congress at Halifax, in 1776, which adopted our State Constitution.

[8] Jonathan Thomas was a native of Edgecombe. His brother was John Thomas, and he had a brother named John, all three being Baptist preachers. Jonathan was ordained in 1758, and was much revered. He had a peculiar facility in reconciling apparent contradictions in Scripture. He died early in 1775.

[9] Burkitt and Read state that "the Separates, or Separate Baptists, arose in New England, where some pious men left the Presbyterian, or the Standing order, on account of their formality and superfluity. 1. Because they were too extravagant in their apparel. 2. Because they did not believe their form of Church government to be right, but chiefly because they would admit none to the ministry, only men of classical education, and many of their ministers apparently seemed to be unconverted. They were then called Separate Newlights. Some of these were baptized and moved into the Southern provinces, particularly Elders Shubal Sterns and Daniel Marshall, whose labors were wonderfully blessed in Virginia, North and South Carolina, and Georgia." * * "The distinction between us and them was that they were called Separates, and the Philadelphia, the Charleston and the Kehukey Association were called Regular Baptists."

An effort was made by the Kehukey Association to establish fellowship between the two parties, but the Separatists refused, complaining that the Regulars were not strict enough in receiving experiences—that the Regulars baptized many before they believed—that they indulged their members in superfluity of dress—but chiefly because they held persons in fellowship, who were baptized in unbelief. These were, it was claimed in reality never baptized at all.

These doctrines brought about a division in the churches. Some were gathered by the *Free Will Baptists*, whose custom was to baptize any who were willing, whether they had experience of grace or not.

In October 1775 when the Kehukry Regular Baptist Association held their meeting at the Falls of Tar River, a fierce discussion of these questions was had, the result being a division in the Association.

In 1786 the two Societies united on the basis (1) that baptism of unbelievers is not valid. (2) Every church member to be sole judge whether he is baptized in unbelief. (3) Every minister may baptize such as desire, being scrupulous about their former baptism. In 1790 owing to the great increase in the number of churches, there being 61 with a membership of 5,017, and also the distance of some from the centre of the Association, there was a friendly division, 42 churches in North Carolina retaining the name of the Kehukey Association and the 19 churches in Virginia calling themselves the Virginia Portsmouth Association. Means were provided for keeping by interchange of delegates friendly intercourse with each other.

[10] In the early years of his office Governor Martin endeavored to ingratiate himself with the people of the province. Being the servant of King George it was inevitable however that the harmony should be disrupted. Probably every man who voted for this friendly letter became his political enemy. The clerk of the Association was, as has been mentioned, a member of the war Congresses and General Assemblies.

[11] There were at this time and afterwards vigorous proselyting efforts made by the Universalists. A challenge for a joint discussion was made by one of their preachers to Elder Joshua Lawrence, a Baptist of great talent and force of character. The bulk of the hearers thought that Lawrence had the best of the argument, but admitted that his opponent was gifted with oratorical power.

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INTRODUCTION.

Statesville, N. C., Nov. 20, 1903.

Hon. Kemp P. Battle.

Dear Sir:—At the request of my aunt, Miss Margaret Mitchell, I write a note to accompany a package of old letters, sent by this mail.

In looking over some hundreds of old family letters, these records of Grandfather Mitchell's earlier tours in Western N. C. seemed, perhaps, to have some value for the Historical Society. They are written with care and method, and are as he says, of the nature of a diary, in the vacations of 1827 and 1828, and, some, later, giving daily account of travels over various counties, what mines he looked into, what minerals and geological features he saw, the kind of lands he passed over, and the people he met. If they prove to be of any use, please accept; if not, destroy them. If they reach you, please acknowledge to Miss Mitchell, at this place.

She heard of the death of her old playmate, and long time friend, S. F. Phillips. Another break in the band of Mitchells and Phillipses. Four left, Mrs. Ashe,[1] Miss Margaret, Mrs. Spencer, and Mrs. Laura Phillips. Mrs. Ashe is in the feeblest health, 81 years old. Miss M. enjoys good health but is slowly losing her sight, from cataract.

Respectfully,

MRS. W. H. COIT.

The foregoing letter by a granddaughter of Dr. Mitchell explains the character of the letters now published as No. 6 in the James Sprunt Monograph Series. It is deemed proper to prefix a short memoir of their author.

Elisha Mitchell was born in Washington, Connecticut, August 19, 1793. His father, Abner by name, was a farmer. His mother was Phoebe Eliot, a descendant of the "Apostle

[1]Miss Margaret Mitchell and Mrs. Mary Ashe have since died.

to the Indians," John Eliot. His grandfather's father, Rev. Jared Eliot, was eminent in science, and received a medal from the Royal Society of London for a discovery in the manufacture of iron. He graduated at Yale College in 1813, among the highest in scholarship. Among his classmates were Senator George E. Badger, Dr. Denison Olmstead, Judge James Longstreet and Thomas P. Devereux, Esq. After teaching in schools for a year or two he became a Tutor in Yale College and in 1817 on the recommendation of Rev. Mr. Dwight the Chaplain to the U. S. Senate and of Judge Wm. Gaston, then member of Congress, he was elected Professor of Mathematics in the University of North Carolina. In 1825 at his own request he was transferred to the chair of Chemistry, Geology and Mineralogy, which he held for thirty-two years. He was twice Chairman of the Faculty, virtual President of the University—during President Caldwell's visit to Europe in 1824, and after his death on January 25, 1835, until the coming of President Swain, January 1st, 1836. Before leaving Connecticut he obtained license to preach in the Congregational Church but in 1821 was ordained a minister of the Presbyterian Church by the Presbytery of Orange, North Carolina.

The General Assembly in 1822 appropriated $250 a year for a Geological and Agricultural Survey of the State and in 1826 continued the appropriation for one year longer. Prof. Olmstead, and on his resignation in 1825, Dr. Mitchell was selected to do the work. A report was made and printed, Parts I and II by Olmstead, Part III by Mitchell. In 1829 the latter made another short report. He published also a thin textbook called "Elements of Geology with an outline of the Geology of North Carolina." A paper on the "Character and Origin of the Low Country of North Carolina," is in the Journal of Science for 1828. He wrote much for newspapers and for Scientific Journals. Among other pamphlet publications are two sermons with notes, called "The Other Leaf of the Book of Nature and the Word of God," giving cogent argu-

ments against the Abolitionists on the Slavery question. The pamphlet is 74 pages long and is dated *1948.*

Dr. Mitchell read so extensively in many directions as to acquire the reputation of being possessed of universal knowledge. He had a large brain and might have been among the great men of the world, if he had confined himself to his specialty.

His great self-reliance caused his death. He claimed to have visited the highest peak of the Black Mountains. General Thomas L. Clingman contended that he himself was the first discoverer and endeavored to have it called Mount Clingman. After a long controversy in the newspapers, Dr. Mitchell determined to ascertain the height by the spirit level, as he had formerly done by the barometer. On the 27th of June, 1857, leaving the engineering party, he endeavored to ascend the mountain alone and go down on the Yancey side, in order to visit one or more of his former guides. Being detained by a thunderstorm it was late in the afternoon when he began to descend a fork of Caney river. By the side of a forty-foot precipice he slipped and fell into a deep pool below. His body was not found until the eighth of July. He was buried in Asheville, but the next year his family allowed his body to be buried on Mount Mitchell.

For years Dr. Mitchell was one of the most conspicuous men in the state. As a teacher he was most interesting, abounding in illustrations, often humorous, which illuminated the subject. As a preacher he was able and logical but lacking in grace of delivery. As a disciplinarian he was active in detection and prevention, but mild in punishment. As a neighbor he was boundless in charity, ready with purse and wise counsels to aid all who needed help.

His children were four daughters and a son. The son, Charles, a physician, died in Mississippi without issue. His daughter Eliza, married to Richard I. Grant, a citizen of Texas, likewise left no children. His daughter Mary married Captain Richard J. Ashe, of the Bethel regiment, a citi-

zen of Chapel Hill and late of California, left children and grandchildren, as did his daughter Ellen, who married Dr. John J. Summerell, of Salisbury. Margaret did not marry.

The letters, while containing allusions of a personal and family nature, were evidently intended to be material for a report or an article for a scientific journal.

It is probable that the distress following the Panic of 1825 caused the General Assembly to discontinue the Geological Survey.

In annotating I have not deemed it necessary to notice men about whom nothing is known except what is mentioned in the text. If any facts of importance are not brought out it is because I was unable by correspondence to discover them. Owing to the high rates of postage Dr. Mitchell's penmanship is extremely fine, sometimes almost illegible, and it is possible that I may have been unable to decipher correctly some words.

I acknowledge my indebtedness to the courtesy and intelligent enquiries of Hon. John S. Henderson, of Salisbury, Hon. C. J. Cowles, of Wilkesboro, Dr. Wm. T. Whitsett, of Whitsett, Hon. Alfred M. Scales, of Greensboro, Miss Adelaide L. Fries, of Salem, Prof. Alexander Graham, of Charlotte, Messrs. Finley and Hendren, of Wilkesboro, Alfred Nixon, Esq., of Lincolnton, Thomas C. Bowie, Esq., of Jefferson, R. A. Nunn, Esq., of Newbern, H. A. Daniels, Esq., of Goldsboro, Dr. Richard H. Lewis, of Kinston, and Mr. J. R. Lewellyn, of Dobson.

KEMP P. BATTLE.

DIARY.

Newbern, Dec. 28th. 1827.

My Dear Maria:

I received today from the post-master your very welcome letter—"and having this evening no other means at hand for killing the time have concluded to prepare a few lines in reply." The words included in the commas are such as according to the general language of mankind in relation to the state of feeling subsisting between man and wife I ought to address to you. After writing them down however I cannot let them stand without connecting with them an assurance that however it may be with others there is at least one husband who some eight years after marriage is fool enough to love his wife tenderly and well. I sympathize with Mr. Phillips and trust that you will pass the vacation without encountering those evils which Millee Strowd was threatened with. In Raleigh I met with little or nothing to interest me. The Geological Survey dies a natural death at the end of this year. There is no one who takes any interest in the business, nor, in the present state of the Treasury, did I find there was any the least prospect of succeeding in any application to the legislature and I therefore gave it up at once. I sent you 25 dollars by Dr. Caldwell—at least it was to be paid into his hands by Mr. Devereaux for you. This you will pay into the hands of Mr. Cheek or at least sixteen dollars of it, *if he gives up the paper I gave to Mr. Somebody Mr. Lloyd for corn, but not else.*

We left Raleigh on Friday about noon and rode to Smithfield having Mr. Devereaux[1] in company some of the way. We put up together at Rice's and passed a pleasant evening. The

[1]Mr. John Devereaux, merchant of Newbern, father of Thomas P. Devereaux, who was a Reporter of the Supreme Court, and a wealthy planter on the Roanoke.

next day proving rainy Mr. Andrews[1] took the stage for Newbern and left me to trudge along in the mud by myself. I rode down to Bass's[2] ferry and paddled about the river a while in an old crazy canoe to see the limestone about the mouth of falling creek and then passed on to Waynesboro and put up at Isaac Hills,—found there a young Lawyer from Orange who knew me and went with me to see Mrs. Andrews—the ci-divant Miss Gunn who was married in the meeting house in Washington the summer you were there—she lives just on the bank of the Neuse. On Sunday collected a little congregation and held forth to them at the tavern. Drs. Williams and Tippoo Henderson[3] and Morris called upon me. And of them all I liked Dr. Williams the least. Took my tea and spent the evening at Dr. Andrews.[4] Monday morning crossed the Neuse and got my breakfast at Mr. Griswolds[5] where I spent some time in examining the limestone on the bank. Griswold is a Yankee boy who came from Rocky Hill to Carolina as he married a girl of some property—failed—and now lives in rather humble style in Wayne. He does not appear to be efficient and I doubt his wife regrets her having married a Yankee; rode down to the river and put up at Stephen Herrings in Lenoir—a hearty droll old cock who told me how *extravagant* the storm had been about Wilmington and how

[1]Ethan A. Andrews, Professor of Ancient Languages in U. of N. C., 1822 to 1828. He afterward taught in New England and was author of valuable classical school books.

[2]Name extinct Andrew Bass in 1784 gave three acres in Waynesboro for a court house, &c. He doubtless gave the name to the ferry—Falling Creek is still so called.

[3]Tippoo Saib Henderson was a son of Major Pleasant Henderson, of Chapel Hill. He graduated at the University of North Carolina in 1814.

[4]Dr. Samuel Andrews kept a tavern at Waynesboro for many years. One son, Rev. S. G. Andrews, was a colonel in the C. S. A.; another, George P. Andrews, was a colonel in the U. S. Army; a third, Rev. F. John Andrews, was a gifted Methodist preacher; and a fourth is a local Methodist preacher.

[5]James Griswold, long clerk and master in equity for Wayne county.

fortunate the Messrs. Whitfield[1] had been about marrying, each of them having buried 3 or 4 wives. Tuesday rode through a desolate country—the western part of Jones—entered Onslow where the appearances improved—crossed the rich lands of that county and put up at old Kit Dudley's[2] on the east side of New River at the head of Navigation 5 or 6 miles from the court house N. East. A violent Jackson man. Deist, very rich, offensive and talkative. Mrs. Hill his daughter was there and agreeable. The old fellow entertained me hospitably but I had some difficulty in maintaining my independence without quarrelling with him. I fear indeed I hardly did my duty to him so far as religion is concerned but I was restrained by the circumstance of his being apparently petulant thro the effect of a recent illness.

Wednesday, had a stroll over the plantation before breakfast, and after breakfast then my horse was to be got ready, found that the fellow apprehending I had not done my business faithfully had gone on an exploring expedition so that I did not start till it was late. Rode down to Col. Dulanys[3] or rather to his son in law's on New River for the Col. a very worthy man, abides with his daughter—got my dinner—rode out to see New River and then passed down to Swansboro at the mouth of White Oak on the sound—a village of 4 tolerable houses and some smaller ones. I expected to

[1]Two Whitfields lived near Waynesboro, Samuel and William. Samuel was father of the first wife of Mr. E. B. Borden. William moved to Mexico and owned a large coffee plantation.

The removal of the county seat from Waynesboro to Goldsboro was authorized by Act of the General Assembly. The exodus of people and houses was from 1837 to 1854. Mr. Richard Washington was the last inhabitant of Waynesboro. Flat boats and small steamers plied between it and Newbern.

[2]Christopher Dudley, seven times Senator from Onslow, father of Edward B. Dudley, Representative in Congress 1835—, and Governor 1836-'40—the first elected by the people.

[3]Col. Daniel B. Dulany, Representative in the General Assembly, 1820-1821 and 1822.

stay with Mr. Ferrand[1] who is the principal man of the place but, observing that he had company, rode down to Thompsons —a tolerable house in appearance, where, whilst the yankee landlord and his Carolina wife and sister set before me an indifferent supper and breakfast, he congratulated me in sounding terms on the escape I had made in not going to Onslow Court house where I should have had another fare.

Thursday. I intended to cross White Oak and proceed to Beaufort but, considering that I should have nothing to pass over during the day but uninteresting sands, and that the country from Beaufort up would possess as little interesting, I turned my horse for Newbern. Country flat and barren till I came near Trent River. Saw slate rock in the bed of White Oak when I crossed it and also in two or three places near the Trent and arrived here after dark. Friday, proposed to go back into Jones County to examine the shells on Durant Hatch's[2] plantation but finally gave up the plan and concluded to stay in Newbern till Monday next. Have been today strolling about town—have looked up some books for the girls, dined with Mrs Shepard[3]—called upon Mrs. Brown[4] this evening. She is not in the least altered that I can see, has now a most beautiful little boy on hand. On Monday D. V. we

[1]Wm. P. Ferrand, Representative in the General Assembly, 1826.

[2]Durant Hatch was State Senator fifteen terms; also a Trustee of the University. Shell rock is still obtained from his plantation, which is now mostly owned by Mr. James A. Jones of Newbern.

[3]Mrs Shepard, nee Blount, grand daughter of Sir Frederick Blount. She was widow of Wm. Shepard, a wealthy merchant, and grandmother, among others, of Gen. J. J. Pettigrew, Judge Henry R. Bryan, Judge Wm. S. Bryan, of the Supreme Court of Maryland, and Mrs. Mary S. Speight, a benefactor of of the University.

[4]Mrs. Silvester Brown. Their son, Silvester Tilman, was father of Judge Brown of the Supreme Court. The "beautiful little boy" turned out to be a very fine looking old man. He was a student of U. N. C. in 1841-'42. Mrs Brown's maiden name was Hannah Holladay, of a Green County family. She had another son at the University 1831-'35, who was a physician.

started for Washington—I suppose at least that Mr. Andrews will be in company—pass up the Tar—and so get home—about which same place I have a few things to say. It seems that a great deal of pork has been lost the whole country through. Mr. Barbee, and much more Mr. Robson, therefore must not bring his hogs till the weather is cool[1]. Cut them up immediately and spread them. They are not to be salted till quite cold but when this is the case there should be as little delay as possible. If the Journal of Science comes and the extra sheets —retain all said sheets. I will distribute them myself instead of placing them at the disposal of the Board.

I am pleased with the accounts from N. London and Washington in regard to brother Elnathan though I have no great expectation that there will be any very favorable result. I hope he may stay in N. London a while and make a trial. I hardly think you will hear from me again till I come home—perhaps you may. Messrs. Andrews and Treadwell[2] having been here some 4 or 5 days before me, have forestalled most of the civilities of the good people of the place. I called upon Mr. Stanly to-day. The stage waits. Adieu.

Yours,
E. MITCHELL.

The above is a lie. The stage did not wait but was off a mile when Mr. Andrews and I came down with our letters. My carry-all is ordered and we start for Washington.

Thine,
E. M.

[1]Up to the Civil War families in towns bought hogs freshly slaughtered, cut them up and "cured" the hams, shoulders and sides for the year's consumption. Near the dwelling was the smoke-house in which they were exposed to thick smoke for many days. Much loss was sometimes had from rapid change of temperature from cold to heat. A warm winter is on record, in which hundreds of thousands of pounds of pork were destroyed.

[2]Oliver Wolcott Treadwell, of Connecticut, graduate of U. N. C. 1826; Tutor, 1826-'9. "Mr. Andrews" is Prof Ethan A. Andrews.

Hines's, 11 Miles West of Salem, 7 miles East of the Shallow Ford or Huntsville, Wednesday Evening, July, 1828.

My Dear and Good Wife:

I did intend to write a few lines for you last night at Greensboro, but after rummaging the trunk sometime, could find no quills for the very obvious reason that they were directly before my eyes. I have two methods of keeping a journal to choose from. One, that of noting down in my memorandum book whatever may occur worthy of observation; the other of introducing the same matter into my letter to you. My Epistles filled with Mineralogical and Geological details are in danger of becoming in this way so dull that you will care nothing about them. But what else shall I write about? Tis altogether out of the question—a man who has not yet been separated from his wife quite two days to fall to sighing and wooing as though he was now experiencing the first access of his maiden passion.

My present trip, if matters hold as they are, is likely to prove in one respect more agreeable than those which have preceeded. The aspect of the country is delightful. People talk of fine prospects, and I believe I have an eye to distinguish, and a soul to feel them. But, after all, there is no prospect like that of a country covered with luxuriant vegetation, that is going to pour of its abundance into the granaries of its cultivator. The mind is carried forward to the peace, security, and happiness that are to result to the poor as well as to the rich, when heaven pours out its bounties with so unsparing a hand. What a contrast between the appearance of the fields now and what they were two years ago. The wheat is gathered in and is therefore wanting to the unvarying landscape which Levi[1] and I enjoyed together, but the oats still cover the fields, and it is difficult to persuade ones-self when

[1]Levi must have been his horse's name. He was too independent to have a driver and I know of no one of that name likely to have been his companion.

we see the Indian corn of so deep a green; its growth so vigorous; shooting up towards the clear sky, and bathed in the balmy air and the sunbeams—It is difficult to persuade oneself, that it is not positively happy. And I can hardly help congratulating the trees of the forest, as I ride along on the beautifulness of the year under the idea that they prefer it such as it is to a dry and dusty summer. But the daylight is fading, and I do not know whether Mrs. Hines will let me have a candle, and must therefore, improve the moments to make a few memoranda. The latter part of my ride to Breeses[1] was dark, but on the whole it was not disagreeable. Started early on Tuesday morning and rode 24 miles to Joseph Gibson's[2] to breakfast. The slate continued until I reached Judge Murphy's[2], where it was gradually replaced by some half baked granite. Found Breccia a little before I got to the stone tavern, but scarce—Afterwards, 18 miles from Chapel Hill, one James Johnston has been digging a well which goes through a slate rock that is full of small crystals of pyrites. The slaty structure is much more found in many of the rocks of this region. The bank of the river at Murphy's mill is covered with grains of sand that have been brought down from the rocks miles above. From Judge Murphy's to where I entered the Hillsboro and Greensboro road near Ephraim Cooks there is little bit the imperfect granite. It produces rather a cold black, sticky soil. The road from Cook's to Greensboro I travelled last year. For a mile and a half from Cook's the rocks are slaty; in one place in the right of the road there appeared to be granite imbedded in the slate. Along by Gibson's there was imperfect slate again. Stopped at Gibson's. He married Rev'd Mr. Paisly's sister. Went to see the mine.

[1]The name of Breese has disappeared from the neighborhood. Information about Gibson is given in note to another letter.

[2]Archibald Debow Murphey. His plantation was on Big Alamance, 8 miles south of Graham. On his insolvency it was sold and Chief Justice Thomas Ruffin became the purchaser. After the Civil War he sold it and later it has been called the Curtis place.

They have made an anthill of the whole enclosure on which the gold is found. The veins run every which way, but more especially to the N. East and S. West. There is abundance of Iron Pyrites—some carbonate of copper. The vein has a stratum (strasser, the workmen call it) of Magnesium slate on each side of it. The mine is worth visiting again. Ten miles from Greensboro, struck the granite again and rode on it all the way to that famous Metropolis. Put up at Mooring's, Miss Christie[1] not arrived, Professor Barr[1] then sick. After supper went up to see Mr. Paisly, found the family,—well one tolerable pretty daughter; Dr. Mebane[2] there. Observed in an inquiring way that he presumed Miss Hogg[1] would be a good instructress. A case for a casuist. I bore ample testimony to Miss Hogg's good qualities. A thunderstorm. After it was over, returned to Moorings with the intention of writing to you, but was disappointed by not finding the quills. Went to bed and dreamed that I had a quarrel with you. I forget what about.

Wednesday—Rode to Salem, 28 miles to breakfast and dinner. Route through a pleasant country, interesting in a geological point of view. Rock granite growing more crystallic as we approached Salem, and becoming decidedly so within 12 or 14 miles. Sometimes (rarely) schistose, presenting something that is neither mica, talc slate nor gneiss. A good many hornblende rocks having gneiss structure or rather having the little crystals of hornblende, etc., approaching to parallelism and distributed through the whole rock. Got my dinner. Strolled about Salem till three, then got my horse and rode to this place. Country rather sterile about 5½

[1]Dr. Paisly's school was prior to Caldwell Institute, Edgeworth Seminary and the Greensboro Female College. There was a family of Hoggs, who lived at Chapel Hill prior to this There were three children, Christie, Lydia and Gavin. Gavin was a prominent lawyer, father of Dr. Thomas D. Hogg, of Raloigh. Lydia married a Lindsay of Greensboro. "Miss Christie" was a teacher They were of very little kinship to James Hogg of Hillsboro—I know nothing of Professor Barr.

[2]Dr. John A. Mebane, brother of Dr Paisly's wife.

miles, then much better. Rolling but fertile. At 6 miles ? and well defined gneiss; a little above very coarse granite. Rocks very few. Tis useless to traverse such a district in search of minerals. Many hornblende rocks like those described as occurring between Greensboro and Salem. Within two miles of this place mica is abundant in scales as large as a Connecticut nine pence.[1] Farewell.

Sales', 15 miles east of Wilkesboro, Thursday evening.

I left Hines' early this morning and have just arrived here having met with little interesting or remarkable on the road. About 3½ miles before I reached the Shallow Ford[2] and of course near the Stokes and Surry line I struck a bed of soapstone about a mile and a half across. It was preceded by a kind of Granite chlorite rock, giving a green color to the soil. Of this soap stone I know nothing as yet; it will require examination hereafter. The passage of the shallow ford with the Pilot in full view at the distance of 15 or 20 miles, is most beautiful. After leaving the soap-stone there are some rocks discovering themselves in the sides of the hills near the river. They are gneiss and mica slate. After this there is nothing from which to discover the nature of the subjacent rock till we come near Hamptonville, 18 miles from the river where the rocks, gneissoid hornblende rock, are more abundantly granite and but little mica and approaching to gneiss are seen and continues to this place 11 miles farther with an interval where the mica becomes very predominant. The country traversed today is fertile but much less beautiful than that through which I passed yesterday. Something raw and countrified about it. Still I am coming in among the mountains, and the Blue Ridge is in full view from this place—a part of Ashe. The road has in general been remarkably level. Sales' is under a high steep hill cultivated to its summit. Hunts-

[1] A little larger than a dime.

[2] Through the Yadkin, on the road from Winston to Huntsville and Wilkesboro.

ville,[1] I passed only one corner of, so I can't speak of it. Hamptonville[1] has 7 or eight dwelling houses. Stopped for dinner with John Wright, who was formerly sheriff of the county, and gave me some interesting information respecting it. He is married and has no children. A very pretty mulatto boy stood by the table as I was eating my breakfast or dinner. A sign in Hamptonville bore Cowles and Porter. I said at once that I could tell from what town in Connecticut those men came from. I was within one of it. Cowles[2] was from Southington; Porter from Farmington. Cowles' grandfather and Mrs. Andrews's great-grandfather by his account were brothers. As a merchant here he is, I believe successful. Married in Connecticut; carried his wife on a year ago to see her friends, and she died there—are you not scared? Has another wife visiting in Iredell. Went down after dinner a mile to see the plantation of a certain Mr. Nixon, who had ridden with me from the Shallow Ford, to see if he had any chance for gold, and found he had none. I learned the secret of being a punctual correspondent when on a journey; it is to sit down at once as soon as one arrives at night, and write on ones trunk as I am doing now. Good night.

Foot of the Blue Ridge at Mrs. Colberts, Friday Evening.

I rode into Wilkesboro this morning. Tracing first, granite, gneiss and then mica slate. Put up at Massey's Hotel. For some time could find nobody to get any information

[1]Huntsville and Hamptonville now have each about 100 inhabitants.

[2]Josiah Cowles came to this State in 1816 and first established himself in business at Kernersville, then at Healey's, finally at Hamptonville. He married first a Connecticut, Rebeccah Sandford, then a North Carolina lady, Nancy, daughter of Andrew Carson, a comrade of Daniel Boone, and uncle of Kit Garson. Hon. Calvin Josiah Cowles, President of the convention of 1868, is a son of the first, and State Senator Andrew C., Mr. Miles M., and Colonel William H. H. Cowles, of the second. A son of Hon. Calvin J., Colonel Calvin D. Cowles, of the 5th U. S. Infantry is getting up a tree of the old Connecticut family. He and his brother, Lt. Col. Andrew D., were in the Spanish war. Porter's name was David S.

from. At length bethought myself of Rev'd Abner Gay, who as I had seen in the papers has charge of the Academy here. Went out and found him inter umbros circumire, as Virgil says, that is, on the top of a hill half a mile from town, where a log academy has been built for him in the midst of the forest. I of course complimented him on having a situation so classical—exactly such that Apollo and the Muses are represented as loving to haunt; After leaving him, I went down to the sheriff's to get some information out of him, and as he had some iron Pyrites, I played Olmstead[1] with him; got out my blow-pipe and magnet and showed him how his supposed gold was unmagnetic before roasting to drive off the sulphur and magnetic after. Mr. Massey came in and I got acquainted with him. Mr Gay called and took me up to Col. Finley's[2] to dinner. The Col. and his wife are the only two Presbyterians in Ashe. There is to be a ball at Massey's this evening. I had an invitation to attend, but having, as I believed, sufficiently apprised the people of my existence, came on to this place, 17 miles from Jefferson the celebrated seat of Justice for Ashe. I crossed the Yadkin by fording, travelled over mica slate chiefly, crossed some impure plumbago at six

1Professor Denison Olmstead, Professor of Natural Philosophy of Yale. He left the University of N. C. in 1825.

2Colonel, more properly Major John Finley, was son of Michael Finley, of Adams Co., Penn , and nephew of Rev. Samuel Finley, D.D., President of Princeton College, the latter being grandfather of Samuel Finley Breese Morse, inventor of the telegraph. His twin sister, Mary, was the mother of General Samuel Finley Patterson, once State Treasurer, father of the late Col. Rufus L. and Samuel L. Patterson, Commissioner of Agriculture. Major Finley moved to Wilkesboro in 1805. In 1828 he was farmer and merchant, copartner with Colonel Waugh, having branch stores at Jefferson and Lenoir. He died in 1865, leaving children and grandchildren. His oldest son, Augustus W., married Martha Lenoir Gordon, sister of Gen. Jas. B Gordon and grand niece of General Wm. Lenoir. Their oldest son, J. E. Finley, is President of the Bank of North Wilkesboro, and the youngest, T. B. Finley, is a lawyer of the firm of Finley and Hendren. The land underlying the town of North Wilkesboro once belonged to Chapman Gordon, grandfather of General John B. Gordon of Georgia.

miles, at nine miles descended into the valley of Reddie's river, and travelled by the side of it until quite near this. These four miles were very pleasant—the steep mountains were on either hand—the river clear as crystal tumbled over its rocky bed, and there were fine fields of corn upon its banks. The farms are small and here, according to some men calling themselves philosophers, in retirement shut out from intercourse with the world by the sides of these streams and hemmed in by these mountains—man may, if he will, be happy. But they are less happy than we.

It is not in seclusion that the human mind receives its fullest development and that its enjoyment is most intense. Instead of caring to feel the fine passions that agitate the breast of the inhabitants of the city, they are placed on low and grovelling and brutal objects. I doubt after all whether there are many persons happier than ourselves. There are doubtless times when our pride is mortified by an inability to exhibit as much style as we might desire, but it is not every person—it is not every married pair that has the confidence we have in each others mutual affection—as well founded a prospect of having all the necessaries and some of the luxuries and elegancies of life supplied to us. This Mrs. Colbert does not appear to be very old, and yet she has six sons and five daughters.

Jefferson, Saturday Evening.

Arrived at this place about noon in safety. Fox has not yet run away with me. Indeed, there seems more danger that the crows will run away with him. The poor old fellow is badly worsted. His back is very sore, and I shall leave him here on Monday and hire a horse to ride about the country with. At Mrs. Colvards the fare was rather hard; no tea or coffee but excellent potatoes. I intended to start as soon as it should be light this morning, but the sun had already gilded the mountain tops. Poor Fox, if he is in the habit of swearing, and I hope he is not, must have cursed the negro that brought him out this morning, and the white man who

drove him. I first clambered up the mountain and a long and dreary clamber it was of five miles. Near the summit there is a very extensive prospect embracing a wide circuit of the comparatively low, level country through which I had been traveling, but there was nevertheless, notwithstanding the extensiveness of the prospect, something wanting. There was no water; there were no thriving towns and villages to be seen, inhabited by an industrious, frugal and virtuous grown population, and a body of youth preparing to supply with ability the plans which their fathers are shortly to leave. The rocks in the ascent of the ridge were chiefly mica slate, and granite of a grain, very white and frequently with abundance of mica. Seven miles from the top of the ridge after a moderate descent—the path apparently over mica slate almost exclusively—only two or three houses; I came to New river. 'Tis a beautiful stream, broad but not deep, clear and running its course among the mountains, which often over-hang its banks and overshadow its waters. About three miles from this place left the river. Passed an old Dunker[1] who was mending his mill-race. He evidently is not quite orthodox, poor man; for he shaves around his mouth where the beard would interfere with what he probably considers as amongst the more important duties of his life—those of kissing his wife and eating his dinner. I am put up at a certain Mr. Lal's—I beg his pardon, Mr. La's—no on looking upon the sign I find his name is Faw. Jeffersontown has 6 or 8 houses —dwelling houses—rather shabby. Mr. Mitchell[2] is gone out to electioneer at a muster, seven miles according to one informant; 12 to another. I thought at first of getting upon a horse and riding out, but finally gave it out under the idea that the people would be dispersing, if not dispersed, before I should arrive. Instead of doing that I ascended the highest

[1] A religious sect, which had its origin in Germany; sometimes called Tunkers; fr. tunken, to dip, on account of their mode of baptism.

[2] Anderson Mitchell, late tutor at U. N. C. Then a lawyer and Commoner in Legislature. He afterwards moved to Statesville and became a judge.

of the mountains in the neighborhood along with Mr. Faw, and a rugged ascent it was. Saw a good many plants that were new to me, dug a root of ginseng for you, a small one with my own hands. The air being clear, the prospect was delightful. The Pilot could be distinguished clearly, probably at the distance of near a hundred miles. It appeared to be almost exactly east. The Grandfather, or the mountain which we supposed to be the one bearing that name, bore S. 40 West. We had a clear view of the country lying down the New River in Virginia, and also of the part of Surry, Wilkes, etc, lying near the Blue Ridge, for the point on which we were standing was high enough to overlook the Blue Ridge. Nearly the whole county of Ashe lay at our feet, the Merry-Anders[1] of the river could be traced as on a map. Some of the plantation in view also presented a noble appearance, but oh, what an ocean of mountains That spoken of is called the Negro Mountain, the rocks of it are almost hornblende slate, or gneissoid hornblende rock. I have yet seen none of the rock which I supposed from the representation of McClure to underlie the whole county. I start on now today to ascertain if possible when the strata changes, and this leads me to speak of the future. I have been as good a correspondent as possible. This letter will leave here tomorrow morning before it is light and will reach you, as I hope, on Thursday next. I assure you that all is well hitherto, and encourages the hope that it will continue so hereafter. But on Monday I shall probably start on horseback and not be near my writing apparatus for a week, and then perhaps not under circumstances that will permit me to use them. With what you now receive therefore you must rest contented for some time, perhaps till my return, though I will write if I can. I propose as I have already mentioned to start on Monday and travel the northern or lower part of the county and be back to the upper part to be present at a muster next Saturday. The ruggedness of the country renders it necessary I should go on

[1] A jocular way of writing "meanders,"

horse-back. In about a fortnight I hope to pass over into Wilkes again and cruise about there and to be home again in five weeks from today. With regard to things at home, push the girls along in their learning—which I acknowledge you are ready to do. But becoming convinced, as I do, as I travel the country, of the importance of education, I can not help feeling a degree of impatience to have that of my daughters effected as rapidly as possible. Endeavor to make Sumner do his duty in the field.

Tell Mr Hentz[1] I have collected two bugs for him, both, as I believe, are common at Chapel Hill, and that I hope to collect at the same rate all the time during the whole time of my absence, so that he shall have to be extremely obliged to me. Tell Messrs. Hooper and Phillips that having been two such [torn] as to come to Jeffersonton and not ascend the high mountains in the neighborhood, and enjoy the fine prospects, the best thing they can do in order to prevent themselves from becoming infamous in all after ages, is to mount their horses and make the same trip again; taking in the mountains. If you write after the receipt of this direct to Wilkesboro, Wilkes Co. I have had some thoughts of writing an acrostic on a certain young lady, being allured thereto chiefly by the beauty of her name, Miss Peggy Baggy[2], of Salem. I hope you will excuse me if I do. If an opportunity offers write to

[1]Nicholas Marcellus Hentz, Professor of French and German in U. N. C. 1826-'31; immigrant from France; afterwards Principal of schools in Ohio, Alabama, and Florida; author of a valuable monograph on the Arachnidae. His wife, Mrs. Caroline Lee Hentz, of Massachusetts, wrote novels, popular in their day, the best being probably Aunt Patty's Scrap Bag.

[2]The oldest inhabitant does not recall the name of Peggy Baggy. There were in 1828 four *Bagge* ladies in Salem, Mrs. Christine, wife of Charles F. Bagge (sometimes called "Daddy Baggy"), and three daughters, Antoinette Louisa, Rebecca Matilda and Lucinda Frederica. Neither of these is ordinarily changed into Peggy; Probably it was a childish nickname.

Williams and Fawe to send up whatever shall come to hand, or at least write and advise me of its arrival.

From your Affectionate Husband,

E. MITCHELL.

Mrs. Sybil[1] M. Mitchell.

Jefferson, July 9th, 1828, Wedns. Morning.

My Dear and Good Wife:

In my letter of Saturday evening last, I gave you an account of my movements up to that time. After sealing this letter I saw Mr. Mitchell. Sunday, I ought, perhaps, to have collected the people of this little village (there are but eight families of them), and preached them a sermon, but I did not. I read, talked, walked, and a man came to see me about minerals, whom I found it a difficulty to get clear of.

Monday Morning. Started on horse-back with Mr. Mitchell to find where the western transition of Triassic succeeds to the primitive rocks of this place. Passed along the great western road, down Beaver Creek between the ends of Plum Top and Phoenix Mountain to the North fork of N. River, over gneisssoid, Hornblende rock and Hornblende slate, altogether for about seven miles. Visited the forge[2] 8 miles from town. Rocks here show characteristic gneiss. Forge gets its ore from two places, one about 4 or 5 miles above King's Bank, the other a similar distance below. The former one poor, as I was told, but makes good iron, and is necessary to flux the latter. The latter highly magnetic and appears to consist of sulphuret. Forge makes 200 lbs per day, which sells at 5 cents at the forge, but Sidney Maxwell[3] told me he got it from the workmen at 3 and 4, and that he had had the

[1]Dr. Mitchell often gave jocular names to members of his family. Sybil was no part of his wife's name.

[2]Forge long ago abandoned.

[3]Maxwell was one of the wealthiest men in the county, left many descendents. He lived at mouth of Richkill Creek.

iron of Carter County delivered at 4: got our dinner at Johnstons[1] and at Maxwells struck the first rocks respecting which there could be any question that they were approaching to transition, Shining Argilite. That was at 12 miles but 2 miles further on at ———————— there was well characterised, gneiss. After this the rocks were not distinctly characterized, assumed a more earthy appearance and had a little clay slate mixed with them. Called upon Col. Gideon Lewis who told us of some interesting appearances at the Bull Ruffin[2]. Arrived at the top of the Stone mountain where a post indicated the Tennessee line, and had a pleasant view of the mountains of Carter county of Tennessee. Over the Tennessee side found rocks which are an imperfect granite and might be referred to the primitive with as much propriety as to the transition. In returning saw plenty of the Magnetic ancient slate. Fell in with William Gray who lives at the last house on New River, 1¼ miles from the top of Stone mountain, who told us the lead mine which lies under so much soil in this part of the country, is within a mile of his house. Agreed to stop and see it, and stayed all night, climbed a high ridge and travelled, I should judge, two miles to the mine. Tis a small vein of Specular Oxide of Iron in a half baked granite rock. Found the same granitic rock elsewhere on the top of the ridge, and Gray told me they were going to cut a pair of millstones from it. Slept all night somewhat thicker than three in a bed.

Tuesday Morning. A tremendous rain which cleared off when the sun was about two hours high, and we started. Visited the ore[3] Bank (King's) which is on the side of Plum Top Mountain. The bed is in Hornblende Slate, the ore poor and in small quantity.

Breakfasted at Maxwell's and arrived here about the middle

[1]Johnston was a farmer and miller.

[2]Bull Ruffin, said to be a distortion of Bellerophon, a spur of the Black mountain, now known as Elk.

[3]Not worked now.

of the afternoon. All the houses between here and Tennessee are log huts. The North Fork winds amongst the high steep mountains and along its banks on the little arable land there is, the inhabitants are settled. They depend a good deal upon their cattle which look well. They are fertile quite to their tops and though they are covered with timbers—large chestnuts, oaks, etc, afford a good deal of pasturage. They will afford much more when the timbers come to be cut down. Started today on an excursion towards the Virginia line.

Jefferson, Friday Evening.

It is waxing late but the dread of your wrath being more potent than the desire to sleep, I proceed to give you the rest of these idle and unprofitable days. Major Finley[1], of Wilkes, came on Tuesday evening, and as he is going on a visit into a region which I wished to visit and offered me his company, I waited till the morning was far advanced before starting. Rode up through the gap between the Phoenix and little Phoenix Mountains. Crossed the North Fork. Gneiss, at about a distance of about nine miles from town, where a change in the country seemed to commence say 5 miles from the Virginia line. Stopped at Timothy Perkins[2] on Helton's Creek, where there was an army of maidens. I proposed pushing on up Helton but was advised to stay and get information at a Methodist meeting which was to be held close by at 12. It being the middle of the harvest, but few people attended, and if they had staid away it had, as it seems to me, been as well. After service a classmeeting. I staid and heard a reasonable amount of female screaming and vociferation, returned to Perkins' determined some ores[3] for Isaac McNab, dined rode up Helton 2 miles to [4]William Per-

[1]See note on Col. Finley in preceding letter.

[2]Ancestor of a number of Perkinses on Helton Creek. All wealthy.

[3]No mines of value on McNab's land.

[4]The Perkins are not only on Helton Creek but in Grayson Co., Va.

kins, then back and round to Stephen Perkins on little Helton within half a mile of the Virginia line. Found in the field two men from Wake cutting down the wheat. Steven Perkins' grandfather came from Connecticut. He is a shrewd, intelligent young man and appears fully sensible of the disadvantage his children would labor under for want of a good education. His wife, a wonderfully busy little woman told me that one boy and girl of them were twins, and that since their birth there had been three instances of the like amongst their cousins in the neighborhood. The country swarms with children. Was well bitten by the fleas at night. There are no ticks here but abundance of these their brethren.

Thursday Morning. John Weaver[1] came in before I was up to have me determine some ore for him, and agreed to go with me to the White top, an exceedingly high mountain, 3 miles north of the, say Northwesternmost corner of N.Ca. of course in Virginia. Went out to see Perkins' ore bank which is extensive and then while breakfast was getting ready heard an amusing account of an old man who determined the locality of ores by the mineral rod, and by his own account is very busy in digging for gold and silver taken from the Whites by the Indians, and laid up in "subteranium chambers." Said he greased his boots with dead men's tallow, and is prevented from getting the treasure out not by the little spirit with head no bigger than his two thumbs who come to blow the candle out, but by the great old two horned devil himself. After breakfast wound over the hills to William Perkins, then up Helton 2½ miles along a new horse path and by an old plantation to John Weavers. He has a wonderfully romantic place by the side of the creek under the over-hanging rocks. He is a bachelor of 27. His sister keeps house for him. Another house appeared at the distance of two miles up the creek, and we were apprised of our approach by the rolling of drums which the boys keep to

[1]John Weaver was a Representative in the Legislature in 1828. The ore is not worked.

frighten away the cattle that are driven in here in great numbers from Washington county, and eat up the range. Being very wild the drum scares them so that they go heels over head down the sides of the mountain; and a 4 year old ox will clear a 2 year old ox at a single jump. Two or three miles more another house, and then a mile brought us to the top. Here were a few trees (of Spruce I believe) but most of the top is fine pasture land covered with white clover and cattle, and commanding an extensive prospect of the mountains of Carolina and of the rich country west upon Holston in Washington county, and looking from the height at which we stood like a garden separated into its different compartments. This mountain is evidently in the transition formation. I found grey rocks and grey rock slate around its base. The summit rocks are rather flinty, and I did not understand them well. But for the bleakness and cloudiness of the situation one does not see why there might not be a plantation on the very summit of the mountain. The soil is black, moist and fertile. A copious spring bursts out within a stones throw of the summit. Here the strawberries are just ripe, and I gathered and ate a number. Saw a number of plants which were new to me, but had neither the time nor the means for examining them. The Grandfather mountain, as I supposed it to be, with a craggy and irregular summit was seen at the south, and the other ridges of Burke and Buncombe farther west and apparently as high as the Grandfather. Arrived at Weaver's again about the middle of the afternoon, exceedingly fatigued having walked according to Weaver, 10 but as I suppose 12 miles in my great heavy boots. Mounted my horse and rode to the north of Helton 10 miles, and fording that stream, as I was told, for I did not undertake to count, 32 times in the distance, and then down the North Fork to [1]Col. Meredith Ballou's.

[1]Meredith Ballou, a Frenchman, came to Ashe about A. D. 1800, and died in 1847, bought nearly all the valuable iron ore in the county. He was an influential man, a surveyor of note, and was for a while County

This ride was very pleasant. A craggy cliff occupied now one side, now the other side of the river, generally overhanging the stream. The other side presented a narrow strip of low ground, fertile, sometimes in a state of nature, sometimes cultivated—the cultivated land extending some distance up the hill side and sometimes an old field, but covered with clover, how different from the old fields of Lower Carolina. The soil of Ashe at least on this side of New river is certainly fertile as is proved by the size of the trees that spring up from it. A ride in the deep valleys of such a country with the blue tops of mountains appearing everywhere, then around a stream as clear as crystal dashing over its rocky bed close by you and reminding you of its existence, at least by its murmur, and a cloudless sky over-head, in a summer evening cannot be unpleasant except that those whom one loves may not be present to partake of the enjoyment. And it at least affords one an opportunity to fall into a reverie and think about them. The object of this day's labor was to ascertain the coming in of the transition rocks which I had supposed before I left home to occupy the whole of Ashe county, and which I soon find to occupy only a diminutive part of it. Near the Blue Ridge, as I travelled, the rocks appeared to be chiefly mica slate, about here they are Horneblende slate and Gneissoid Horneblende rocks. This is succeeded on the N. West by Gneiss proper and the gneiss gives place to an intermediate rock preparatory to the transition. The commencement of the change may be stated to occur at 9 miles north and 12 miles

Surveyor. He left sons and daughters, all of whom had families. Among his sons was Napoleon Ballou to whom he deeded all his mineral interests a year before he died and Napoleon endeavored by will to entail his property, but the will was broken. There was also litigation over the purchase of his interests at a Sheriff's sale. Many prominent lawyers were employed on one side or the other of the various Ballou suits, including two concerning the will of Meredith Ballou. It is said that Napoleon once refused $50,000 cash for his interests. The old forge is not worked now and has not been for years. A grandson of the old Frenchman, Albert Lucien Ballou, was a law student of the University of N. C. in 1902.

West from here as the road runs, but I found Grey wracke only at the foot of the White Top Mountain, and within 2½ miles of Stone Mountain in the ridge containing the bed ore (in ditches). I did not find it at all on the road leading to Perkin's.

Col. Meredith Ballou, at whose house I put up on Thursday, is of French extraction, a native of Amherst County in Virginia. He owns a forge—is a busy, active little man still, though 61 years of age, and the father of eleven sons and two daughters by a wife 13 years younger than himself, and looks as if she might still bear a number of children more. Between the ages of his oldest and youngest daughter there is a difference of 30 years. Fell into a dispute with him about an ore of iron (the micaceous oxide) which he asserted to contain lead. He tells me the first forge erected in this country was built on Helton creek a little above where he lives about 20 years ago by one Tarbert. Shortly after another was built still higher on the same creek; 14 years ago; that on Little River and 4 or 6 years ago that visited on Monday on the western road. Friday morning, rode down the river 3 or 4 miles to see his forge and the ore bank on Weaver's land, which has been taken by [1]Zachariah Baker, the last year's representative from Ashe, for a silver mine from which he was to derive inexhaustible wealth. It proved to be a thin crust of Brown Hematite disseminated through a rock and in such small quantities that it can never be worth working. After dinner Ballou rode out with us two or three miles to see his ore banks which are numerous and rich. Indeed, I judge the range of gneiss heretofore spoken of to be full of ore. Ballou inquired whether I was a professor of religion—said he was not himself, but of the two sects into which the country was divided is most inclined to the Baptist. He spoke

[1]Zachariah Baker was a Representative in the Legislature, 1826, 1827 and 1829. He was also Sheriff. His description of a bad season, "we have no weather but variatable weather, which is the d——t weather of all weathers," is still remembered.

of the Methodist camp meeting held annually near Timothy Perkins' where I attended meeting, said that at the last meeting two men, one of those a member of the Methodist church, were witnesses of the pranks of a distinguished preacher. He went into a hut in the dusk of the evening where there was a young woman, a sister in the Methodist communion. He threw one arm around her neck and put the other upon her bosom. She removed it and he replaced it. She removed it again and he replaced it again; then finding that he was observed he struck up a sort of Psalm "I wished to try her faith. Halleujah praise the Lord." With this precious piece of scandal, I close my letter, observing only that I arrived here just at dark and have been eating, shaving and writing ever since.

Saturday Morning. Started after an early breakfast for the settlement of the Three-Forks 23 miles S. West of this where there is to be a muster to-day, along with [1]Phillips—not the celebrated Irish orator but a constable of the county of Ashe. Passed some good plantations within the first six miles, then entered upon a district of mica slate and Magnesium rocks—Ridgy without being mountainous or picturesque—barren and uninhabited—this continued until I was within 4 miles of the Three-Forks settlement where the gneissoid Hornblende rock and good soil reappeared. Put up at [2]Robert Sherer's, a Baptist and a worthy and intelligent man, a native of the N. Western part of Orange. Saw and became acquainted with a number of people—Dr. Reaser of Tennesseee who brought me a number of specimens of ore—Mr. Calloway—Elijah Calloway[3], Esq.; I beg his pardon, formerly a member

[1]Caleb Phillips—killed by Federal bushwhackers near the close of the Civil war.

[2]Robert Shearer was a prominent man of his day. Left many descendants.

[3]Elijah Calloway was a representative in the Legislature six terms, 1812–17 and Senator five times, 1818, 1819, 1821, 1823, 1824 His son, James Calloway was Representative 1828, 1829, 1830, 1831. This family

of the legislature from this county and having a son not yet 21 a candidate. He is regarded here as a gentleman, and is a member of the Baptist church. He told me he and Dr. Caldwell were great friends, and that he was a great preacher—asked if he did not preach in the city of Lunnon, [London] and thought that he was a preacher there. Said he had always been a great friend of the University. Having obtained the leave of the candidates I explained in a stump speech to the people assembled the object of my visit to Ashe. Walked out towards night 3 miles to a spot on the west side of the S. Fork of North River on the lands of John Cook to see some asbestoid rocks. On my return found at Shearer's Mr. [2]Smith who was at Chapel Hill last winter, who proposed to me to start today for Watauga and ascend the Grandfather tomorrow but as I excused myself to him on account of tomorrow's being Sunday, he stayed until I was ready—also a Mr. [3]Farthing, son of Reverend Wm. Farthing of the Baptist Church in Wake county., who died last winter at his home at the foot of Stone Mauntain—also Mr. Shearer's pretty daughter and her husband, a goodnatured sort of a fellow, not half good enough for her. This Glen Fork settlement is about 23 miles from Jefferson and is a considerable body of good land. A good road runs across the mountain here passing through the [1]Deep Gap, and thence down within two or three miles of the Watauga river to the Tennessee line. A Baptist meeting house is only about 2 or 300 yards off at which by an appointment given out on the muster ground I am to preach tomorrow.

Sunday Morning. After breakfast as we were sitting in the Piazza, an old gander named Ellwood (I don't know how to spell his name.) called in with a keg in a bag in which he

was of long continued influence John Calloway was one of the first Representatives and Senators. In the early days also was Joseph and in more modern days Benjamin and B. C. Calloway.

[2]John C. Smith, of Cumberland county.

[3]Rev. Wm. Farthing left many descendants, many of them preachers of local reputation.

had brought whiskey to sell at the muster yesterday. Found abundance of fault with Mr. [1]Mitchell the candidate, and also with [2]Baker the other candidate. When about to go he was asked to stay for preaching —"No, he had said yesterday he was not going to hear him preach—no man never could attend to everything." I told him he seemed to be descended from Ishmael—his hand was against every man. I hoped that every man's hand is not against him. Smith tells me this same fellow raised a report on the muster ground yesterday—that I received from the state 9,000 dollars for passing through and looking at the rocks. Preached at 12 to a considerably attentive congregation. After dinner rode down 10 miles to Watauga. Smith purchased a bottle of brandy and put it in my saddlebags. Stopped at the distance of a mile at [3]Hardin's (he is a candidate for a seat in the Senate.) to avoid a shower of rain and again at Council's store to collect our company, which finally amounted to 7—The two candidates, Mitchell and Calloway, Smith and Myself, Farthing, a person, name not known, and [4]Noah Mast, to whose father's on Watauga we are going. The prospect in some places where the chestnuts now in bloom grow upon rich grounds on the declivities of the mountains, and are covered with a most luxuriant foliage, is enchanting. Council's store was open, some were hunting, a waggon hauling plank; Mitchell and Calloway electioneered by the way, and, as I was riding on Sunday, with what propriety could I reprehend these things. And yet it seemed necessary, on Mr. Smith's account, that I should ride. Passed from the deep gap road about 3 miles to

[1]Anderson Mitchell, afterwards Judge. He was elected, was a Representative two years, then Senator.

[2]See note above.

[3]John Harden was elected. He had served previously in the lower House, was an influential man, was afterwards owner and operator of the Cranberry Iron Works.

[4]The Masts, and Henry Holtsclaw were good citizens, and left families—among them merchants, farmers and stock raisers, all successful and reliable. Noah Mast was afterwards State Senator.

Mr. Mast's and observed a discontinuance in the gneissoid horneblende rocks at this point and a commencement of others which appeared to be in [torn] of the transition. The low grounds on the Watauga above the Stone Mountains are wide, tho' they cease at the mountains or a *little* above, and on these low grounds Mr. Mast (a German) has a good plantation and a son settled both above and below him. Young Mast sent out for Henry Holtsclaw who agreed to accompany us to Grandfather tomorrow and then to go on with Mr. Smith to the old fields of Tow. We heard of a family in which was a young lady, apparently about 20, tolerably good looking, and who is the Grace or Goddess that Collin's speaks of in his ode to the Passions "with a bosom bare." There were two little children, the youngest of whom, Smith tells me, is the result of a "fox paw" [fauxpas] of Mademoiselles. She refused to tell who was its father, but his identity is well understood. I am told that when she found herself pregnant she asked him to marry her, telling him at the same time that if he did not take her then, but left her to bear the scandal alone, she never would have him—that he is willing to marry her now but cannot get her. Both the mother and the child seem to be treated with tenderness and affection by the family, and what is most strange her brother is said to be on the most intimate terms with his sister's seducer. The young woman appears to feel her situation. It appears at first sight very unreasonable that a trangression of this kind should be attended with such fatal consequences to the one party and, instead of being regarded as a disgrace, be sometimes almost gloried in by the other. And yet I think it is partly by the appointment of the Creator himself, and therefore, for good reasons, as well as by the custom and fashion of society, that it is so. Reference is evidently had in everything relating to these matters to the welfare of the children and to a provision for their sustenance and support. This demands affection on the part of both the parents. But in order that this should be strong and unswerving, it is needful

that there be no uncertainty about the parentage of the child—that neither husband nor wife may be in danger of bestowing their affection upon the offspring of others. But on the part of the wife there can be no doubt. She can never be in danger of nursing her husband's illegitimate children for her own. The only security a husband has is found in the purity of his wife's character before her marriage—an assurance that he possesses her affection now and an experience of her veracity. Hence, I am inclined to believe by the appointment of God, a man has a greater horror of sharing the person of the woman he loves with another man than a woman has of sharing with a woman, though the principle or feeling originally thus influenced is doubtless strengthened by the institutions of society. And hence incontinence before marriage by diminishing the security the husband should have of the fidelity of his wife after marriage sinks her value so much in the society of which she is a member, and is in fact a greater crime in a woman than in a man. If it be said that it is still *unreasonable* that she should suffer so much more, the truth of the assertion may be denied for whilst men have many hardships to undergo in the field and other places to which she is not called—her education points very much to one of the great objects of her existence, the continuance of the species. Man is tempted in the affairs of life in a thousand different ways. Nearly all her temptations have reference to one thing—unswerving virtue in regard to this one thing, and therefore with her one principal point of morality and religion, and if she falls here she is taught to expect that her fall will be great; it is reasonable that it should be great. I do not mean all the while to excuse the hard-hearted and unfeeling indifference with which a man will for a brief transport of passion sacrifice the happiness of a fellow being for months and years, and then look with a cold and indifferent eye upon the ruin of which he is the author. I wish it to be strongly emphasized upon my daughters that *where a woman*

is concerned, no man is to be trusted—every man is half a demon.

Monday Morning. Foggy, cloudy and rainy; purchased a small bear skin from Mr. Mast. At nine proceeded a small distance up the creek to where one of the young Masts keeps bachelor's hall, when a bad rain coming on we stopped and I agreed for a tickler of balsam, for which I afterwards paid a dollar. Started soon after, though it still rained and our guide was rather unwilling to proceed, and indeed, we were thoroughly wet when we got two or three miles up to Robert Barnhill's, originally from Mecklenburg. In the neighborhood is a hunter who has two women living with him; to one of them he owes and to the other he gratuitously discharges the duties of a husband; one has 3 children, and the other one and another near at hand. 'Tis a terrible region for these irregularities. The Leather Stocking of these regions, and whom we would have had as a pilot, but that he is in the woods, has a wife living on Sandy River in Kentucky, and the children of that wife and another woman living with him here on the Watauga. Another hunter, has a wife living in N. Ca., and supports or keeps the only daughter of a man who lives in Tennessee. In a rude hunter's state of society, the women become schquaws, very pretty ones, but schquaws notwithstanding. We had still 8 or 9 miles to go to the top of Grandfather. We passed on over one ridge after another, winding through the woods over logs and rocks, and through laurels, walking when we could not ride, passing some mountains and knobs with very indecent names, seeing only one small deer which we did not kill, crossing the head of Linville river which flows into the Catawba, and arrived at the foot of Grandfather, where we were obliged to leave our horses, about one o'clock. The Linville and Watauga head up under the mountain, and from the place, where we took our dinner, we could get water from either, within two or three hundred yards. Of course we were on the summit ot the Blue Ridge. The ascent of the mountain is rough, thickety and disagre-

able. Steep, perpendicular cliffs in places but in general not very difficult. About half way up we met with a Fir-Balsam tree. It is sometimes a foot and a half in thickness and pretty tall. The balsam resides in small blisters or cavities in the substance of the bark which are cut out and the precious fluid passed into a vial. They say that the exudation obtained in the same way as common turpentine has not the same properties—but I have my doubts. It is the panacea or universal remedy of the mountains—cures wounds, rheumatism,[1] flux, et cetera. It grows quite to the top but it is stunted and smaller there, and along with one other tree occupies exclusively the highest points. The summit of the mountain is moist and wet, producing carexes which I wished to but could not study. Holtsclaw had been often upon it but only in search of bears of which it is the favorite winter retreat. They retire to dens in the cliffs in December and come out in February, passing the time in sleep. This is time for the hunters to find their retreats and take them out. They lose nothing of their fatness, and their flesh is thought to acquire additional delicacy; they have nothing in their bowels during their sleep—I write this at Jefferson, July 11, Friday. I leave today for the lower end of the county where I hope to go out to the Elkspur Gap on Saturday into Wilkes.

I thank you for your letter. I *may* write again from Wilkes.

Yours, E. MITCHELL.

Wilkesboro, July 20th. 1828. Sund. Eve.

My Dear and Good Wife:

In my last which leaves this tomorrow morning I informed you of all things whether good or ill that have befallen me down to Monday Evening the 14. when I am received in this place a second time and put up at Mr. Massey's where Messrs.[2]

[1]Old name for dysentery.

[2]Rev. Wm. Hooper, Professor of Ancient Languages and Rev. James Phillips, Professor of Mathematics in the U. N. C. Both were afterwards Doctors of Divinity.

Hooper and Phillips staid—to their great satisfaction last year. Wilkesboro lies near the Yadkin. The river makes something of a bend and approaches the town. From the water's edge a steep hill rises suddenly and it is on the south side of this hill (sloping gradually)that the town is built. It contains 19 dwelling houses; a new courthouse and goal. Massey's is a pleasant place to stay at when he is at home. He is of a quaker family but was led astray by the bright black eyes of a Moabitish or Presbyterian damsel. He married out of the society and of course ceased to be connected with it. His wife is really pretty, but what astonishes me is that she has found it out. Found out the man Mr. McKenzie[1] who sent me the specimens from Wilkes a year or two ago—Originally a tailor secondly an officer in the army—lieutenant —and thirdly doctor and mineralogist, He lives a little out of town and supports his large family with some difficulty.

Tuesday morning. Rode up the river to see Gen. Stokes and Col Wellborn. Their father-in-law Hugh Montgomery[2] owned one of the finest plantations on the river. They married sisters, and this plantation was divided among them. [3]Stokes

[1]Dr. McKenzie owned Flint Knob lead and silver mine about 15 miles west of Wilkesboro, It is now owned by Col. Allen Brown and Mr. Samuel L. Patterson. Mr McKenzie mortgaged other land to raise money wherewith to operate his mine, but had little success. Hunters used to get lead here for their rifles.

[2]Hugh Montgomery lived at Salisbury; was the friend and champion of the Moravians, who owned large bodies of land where Wilkesboro and Moravian Falls are now located, and elsewhere. It was charged that they were not loyal during the Revolution, especially as their trustee, Frederick William von Marshall was out of the United States.—Their lands were entered and claimed by others, and Montgomery caused suits to be brought for them and after long litigation won them. He had a large slice of the lands for his compensation. The attorney he employed had the odd name of B. Boothe Boot. He had two daughters who shared between them his estate.

[3]General Montfort Stokes, born 1760, in Halifax, Virginia, county, served in the navy under Commodore Decatur, was captured and had much suffering as a prisoner; after the war settled in Salisbury and was

is considerably the oldest. They have not formerly agreed very well but are said to be on good terms now. [1]Wellborn is nearest to town—only two miles off. Called on him. He offered me breakfast—whiskey and then feeding of my horse, but I declined them all. Showed me some minerals and I went on to Gen Stokes' two miles farther. What Wellborn's real character is I cannot make out. He has been a member of the Baptist church and will now allow of no swearing about him. He left the church under the idea that he was unfit to remain in it. He seems to have a religious paroxysm. He is a candidate, a furious Jacksonite and a prompt bold man. At Gen Stokes' I was treated with great kindness. I used to wonder why he was so much put forward in the state but it now appears. He is a very pleasant man of good sense. His wife appears much younger than himself. He was born 20 or 30 miles above Petersburg in Virginia and was a sailor in his youth. In his family he has been exceedingly unfortunate—perhaps this is not the proper word. He has been a great card player and is at present a great swearer himself so that we may conjecture what their education has been. In addition to this I suspect some defect in the moral and physical constitution of the young men themselves. One, Hugh M.

Clerk of the Superior Court; was then Principal Clerk of the Senate, and from 1815 to 1823 United States Senator and Representative in 1829 and 1830. He was then elected Governor twice 1830 and 1831. President Jackson then appointed him Indian Agent in Arkansas where he resided until his death in 1842. His first wife was sister of Captain Henry Irwin, who fell at Germantown. They had a daughter who, after the death of her first husband, Hugh Chambers, married Wm. B. Lewis, of Nashville, Tenn., a warm friend and adviser of President Jackson, the head of the "Kitchen Cabinet." By his Montgomery wife he had five sons and five daughters His son, Montfort S. Stokes was a Major in the Mexican war and Colonel in our Civil war and was mortally wounded on the Chickahominy. Mr. C. V. Hunt and children are the only descendants of Governor Stokes.

[1]Col. James Wellborn was often State Senator. He advocated ineffectually the construction by the state of a road from Beaufort to the mountains.

was educated at Chapel Hill and is now a lawyer in Morganton. He is said to possess respectable talents but is intemperate. I was told of his refomation as I passed through Morganton last year. As we were conversing freely about his children I told him I had understood that Hugh[1] had reformed. He said he had hoped so—had sent him on his circuit with Judge Donnell with high expectations but on his return he had staid at Morganton instead of coming home and he well knew but feared to ask for what. Another [2]son is a midshipman in the navy and by the father's account will never be more than a midshipman, a third[3] is at West Point and I gathered from his father not succeeding very well, a [4]fourth is at home. I told him I intended to give my children the best education in my power and then if they did not succeed, not to permit it to trouble me—he said I could not help it—and I suppose he was right. He gave me some information respecting the running the line first by [5]Strother and Co. to painted rock and then by himself, Dr. Caldwell and others along the great Smoky mountains. After dinner rode out to

[1]Hugh Montgomery Stokes graduated at our University in 1816, in the class among others of Dr. Francis L. Hawks and Senator Willie P. Mangum; was a Representative in the Legislature in 1819—died early. The Judge was John R. Donnell—first honor graduate at the U. N. C. in 1807.

[2]David, according to Wheeler, was dismissed from the navy and entered the revenue marine service.

[3]Thomas J. married on Wilkes county, and removed to Tennessee; did not graduate.

[4]Montford Sidney Stokes was for five years a midshipman in the U. S. navy, resigned and settled in Wilkes, was a major in the Mexican and a Colonel in the Civil war. He was mortally wounded at the battle of the Chicahominy.

[5] The commissioners appointed by the act of 1796 were Colonel Joseph McDowell, of Quaker Meadows, David Vance, grandfather of Z. B. Vance, and Mussendine Matthews, speaker of the House. Strother, who made a map of the State, was an assistant. According to the Act confirming their action they located the line to the Smoky—Under the Act of 1819 for continuing the location the Governor was authorized to appoint the commissioners and their names do not appear in the printed laws. John Steele,

see Michals Forge and Ore Bank; the Forge (not yet completed) is the only one in the county. The ore bank is 2 or 3 miles off; the ore appears to be tolerably good though not of the first quality and has been manufactured into iron pretty extensively at Beard's Forge in Burke. There seems to be a series of beds of iron, one lying on this side of the Brushey Mountains, on one of the spurs of which Michals ore Bank is extending like everything else in this country from N. E. to S. West—; returned to town—and took tea at Major Finley's where I saw [1]Col. Patterson and his wife—granddaughter of Gen. Lenoir.

Wednesday Morning. The repairs of my wagon not being yet completed I did not start till about eleven. In the meantime walked out to see the Wilkesboro mineral spring. 'Tis only some water that oozes through some earth and leaves that has been brought down from the road, and that it contains perhaps a little iron has little to recommend it besides its dirty nauseous taste. Started at eleven with Dr. McKenzie and passed up the river, found the rocks mostly Gneiss the whole day and indeed throughout this whole excursion; found iron on the road 6 miles from town in white flint rock. Near Millers when we crossed the river McKenzie told me there was a bank of Porcelain clay; I did not visit it. Passed Stonecyplus an old bachelor who they say knows where there is lead in the mountain near but will give no account of it. Left my waggon at Dyck Jones, and went on a couple of miles further to John Lipps and then up the creek a mile and a half further to see some black lead. Found a little in the granite rocks but none of any value. Was told by Lipps

Montfort Stokes and Robert Burton were appointed in 1813, and the next year General Thomas Love, General Montfort Stokes and Colonel John Patten, to mark the boundary between North and South Carolina. President Caldwell assisted as astronomer.

[1]General Samuel Finley Patterson, State Treasurer, 1835-'37; President Raleigh and Gaston Rail Road. State Senator, 1846-'50. His wife was daughter of Colonel Edmond Jones.

of the garnet on the lands of —— Church, his father-in-law, who lives just under the Blue Ridge. Returned to Jones's and got an excellent cup of coffee. Anderson Mitchell and another Lipps came in with specimens chiefly from flat Knob amongst which I found rich characterized Sappare or Kyanite.

Thursday Morning Crossed over through a barren country to the river which we had left and then up the river to [1]Gen. Jones where we arrived about noon or a little after. It is not difficult to account for the deterioration of the "Range" of which people are continually complaining in this part of the country. Two causes operate in the production of this effect. 1. Since the country has been cleared and plantations laid out it will not answer to burn the woods as formerly for fear of destroying the fences and the consequence is that the small undergrowth is not destroyed as it used to be—the woods become thicker and not like an orchard as they are in the indian country—and thus herbage of all kinds being shaded does not grow and flourish. 2. Of the different kinds of herbage those suited to the sustenance of cattle as the pea-vine and natural grasses are fast devoured and both become less vigorous in their growth and are prevented from going to seed whilst the contrary effect is produced upon the bitter unpalatable weeds. Thus our woods become thick also and shady and the little herbage they produce is not fitted to the sustenance of cattle. Passed Gen. Lenoir's—[2](Old Fort Defiance) and stopped at the

[1]The Jones family came from Culpepper County, Virginia. There were five brothers, Catlett, Thomas, George, Hugh and Edmund. Thomas and George lived in South Carolina. Edmund, known as General Edmund Jones, was often State Senator and Representative. He was father of Edmund W. Jones, State Senator and Member of the Convention of 1861, and grandfather of Edmund Jones, who was in the Confederate army, a Representative in the Legislature and a Trustee of the University.

[2]General Wm. Lenoir, Lieutenant in Rutherford's Expedition against the Cherokees; Captain at King's Mountain; 1st President of the Board of Trustees of U. N. C. President of the Senate, 1790-'94. Member of Constitutional Conventions of 1788 and 1789; Chairman of County Court of

house of his son-in-law Gen. Jones[1] to dinner. The Gen. out electioneering. A man of wealth—has two sons one[2] at Hillsboro with Mr. Bingham and the younger with Mr. Gay. His daughters all married, two of them at table—one recently wedded to Lawyer Henry of Greenville district S. Co. originally a Yankee? and a well enough man, the other—the youngest stole a march upon her parents and married her cousin Larkin Jones described to me by McKenzie as the smartest young man that has been raised in Wilkes. After his marriage was raised into favour and went on last winter to attend the medical lectures at Philadelphia and the agitation produced by the sudden and unexpected return of her husband at night caused a miscarriage from which she is still feeble. After a thunderstorm, occurring whilst we were at dinner, was over, obtained a horse and rode accompanied by a son of Catlett, the General's brother, to Gidding's old place to see some ore said to be there—the distance 10 miles. For two or three miles the country was tolerably open but the hills afterwards closed in upon us and we wound our way beneath them beside the river bank and were finally obliged to cross one or two pretty considerable ridges in order to reach our place of destination. A ride of this kind to one accustomed to the monotonous sameness of the Low Country is pleasant and agreeable and would have been highly so to me but for a

Wilkes. Major General of Militia. A street in Raleigh, a county and town are named in his honor. The plantation is now owned by Thomas B. Lenoir, a grandson over 80 years

There was a fort in the forks of Yadkin called Waddell in honor of General Hugh Waddell. Probably the name was changed to Fort Defiance, but there may have been two. Erected against the Indians.

[1]Gen. Edmund Jones—see preceding note—The General was running for the Senate. Was beaten in 1828 by James Wellborn, but was successful two years afterward.

[2]Col. Edward Walter Jones, at Bingham's and Rufus at Gay's. Lawyer Henry was James Edward Henry of Spartanburg, S. C, His wife was Elizabeth. Larkin Jones, who with his cousin "stole a march" on the General, was a distinguished physician of Charlotte, N. C .

shower that fell. [1]Giddings old place, now occupied by three men of the name of Harrison—a father and his three sons, is a fine sample of what is called in the mountains a Cove. The Yadkin is here a brawling mountain stream and the mountain instead of coming up close to it recedes so as to leave a handsome plantation of level land along its banks. Here is a fine peach and apple orchard and as pleasant a spot but for its situation as is to be found in the country. But the only access to it is by a trail or foot-path leading over a mountain ridge. Tis a very valley of Wyoming—the place for a person to retire to, who has been illtreated by the world and is disgusted with it—the place for him to retire to and *not be happy*. I recommended it as a retreat to Lawyer Henry—telling him how finely he could shoot bears for his wife to eat and get fine skins to warm her—the orchard would also furnish fine whiskey for her as well as the field the best of wheat and he could present the whole to her as the product of his own labor and a testimonial of his love. But he did not seem to approve of the plan. We did not leave the place before sun-down and had then to wind our way over the hills and down the river ten miles but it was a fine moon-light night. We reached home after the family had all retired to rest but found a good supper ready for us.

Friday Morning. Started after breakfast and rode down to Catlett Jones's[2] [torn] took in Dr. McKenzie—rode down to Tommy Tripletts[3] to dinner and then to Wilkesboro. This upper valley of the Yadkin is delightful. From half a mile to a mile broad—bounded by ranges of mountains of moderate elevation—the Brushey mountains on one side and a small chain parallel to the Blue Ridge on the other—the land is very fertile—pleasant to cultivate and produces im-

[1]Probably a plantation called Goshen, eight miles above Wilkesboro now owned by Mr. Columbus Williams. It was once owned by "Tommy Triplett."

[2]See note about the Jones family.

[3]A substantial and good citizen.

mense quantities of corn. The river is here a stream of moderate size and rushes rapidly along over its gravelly bed—the air is salubrious and healthy and the soil occupied by very respectable farms, Col. Davenport[1], Gen. Jones, Gen. Lenoir, Major Witherspoon, Col. Catlett Jones, Capt. Dula and others—(it is not a war-like neighborhood these military titles to the contrary notwithstanding). They want only an evangelical clergyman of good abilities and learning and a respectable academy to make this valley a very desirable place of residence—but these important requisites I fear they will not soon have. Tommy Triplett is an unbeliever who cannot read and an honest kind man as Mr. Kenzie tells me. From him I had another edition of the story about lead found at the north of Stoney Fork within a mile of him, 12 miles from Wilkesboro. An old hunter parted from his company was scouring about and fell upon a place where the indians had cut lead from the bottom of the branch and a bag of their bullets was hanging from the tree, but he was never able (as he neglected to mark the spot) to find it again. Such in substance is the account that I have received in so many different places and from so many different persons that I am ready to knock down the man who shall tell the tale again. To compensate me however in part he told me of some passages between himself and a mineral-rod man, a race of vermin who infest this country and share the confidence of the people so that it is a constant question when they learn that I am concerned with the metals—whether I will undertake to find where those substances lie hid in the bowels of

[1]In consequence of the war-like spirit engendered by the Revolutionary war and that of 1812 the militia was kept up in considerable efficiency. Military offices were evidence of high standing in the community. All these men were men of substance and of influence in the upper Yadkin country—called the Happy Valley. Col. Wm. Davenport, Hon. James C. Harper, Gen. S. F. Patterson and Col. Edmund Jones in 1852 established the Yadkin Valley High School under Captain E. W. Faucette, an excellent teacher. Davenport Female College was established in 1855-'6 and named in honor of Colonel Davenport.

the earth. Triplett proposed to one of these gentry to find his lead mine at the mouth of Stoney Creek and promised a reward of one hundred dollars if he would do so. He readily engaged to undertake the task but said it might lie deep. No! said Triplett, it is within two feet of the surface. But the large body of the ore may lie deep and in that case my rods will be drawn to it notwithstanding this search for ore rising to the surface. Triplett appearing incredulous he said he would find any money about the house. He was told that 5 silver dollars should be hid in the field and he should deposit 5 more in the hands of a third person and if he could by his art find the five he should have the whole ten—if not he was to forfeit his own five. The smallness of the sum was an objection at first but he appeared equally backward when it was proposed to substitute 20 instead of five. The fellow in Ashe urged the strange objection to the mineral rod viz, that if the metals had any power of attracting the twigs all the branches would be stripped from the trees. Here at Tripletts there was an old Capt. Duncan from Milledgeville in Georgia who appeared to be a man of truth and told some stories of the revolution and the wars of which he had borne a part and of antecedent events, of Col. Morgan and Col. Cresap. According to him Mr. Jefferson's story of[1] Logan, the indian chief, is extremely incorrect. The indians had been plundering the white settlements and Duncan and others went down to drive them off, falling upon their encampment. Duncan for the first time "burnt powder" at the human, fired the first gun and killed a large indian. Others were killed and a foolish Dutch-

[1]Published in Notes on Virginia. Logan, or Tah-gah-jute, stated that "Colonel Cresap, in cold blood and unprovoked, murdered all the relatives of Logan, not even sparing women and children." His letter to the Peace Commission was very pathetic. Probably Captain Duncan gives the more correct account of the cause of the war. The war began in 1744 and was accompanied by fearful barbarities. Logan is said to have killed 30 with his own hand. He was killed after some years while attacking a relative in drunken frenzy. "Col. Morgan" was probably when Duncan knew him General David Morgan, the hero of Cowpens.

man levelled his gun at a squaw and though told not to shoot it was a white man's squaw he blazed away and killed her. This was the sister of Logan and her death was what roused him.

On my return to Wilkesboro walked down to examine the white spots in the bank below town, found them to be spots in the granite in which the Feldspar greatly predominated. Col. Waugh[1] offered me his horse to ride out to the Brushey mountains tomorrow and Dr. Satterwhite engaged to accompany me.

Saturday Morning. Started after breakfast for the Brushey Mountains Dr. Satterwhite and Dr. McKenzie and Mr. [2]Moreau—called here Marou. Passed the vineyard which Moreau had planted on the mountain on land granted I believe by the state for this purpose. He is a native of Alsace, a tailor, and, as Gen. Stokes informs me, not much acquainted with the cultivation of the vine. The yard certainly presents but a sorry appearance which he attributed to the delay incident to the distance of Wilkesboro from the place where the shoots were cut in Pennsylvania. The vineyard is shortly (next year) to be removed to the top of the mountain and Moreau is to devote all his time to it. I believe he will be tired of it although he is spoken of as a very industrious and worthy man. The Brushey mountains are higher than I supposed—furnish some grand table land 3 or 4 miles across and some fine prospects. The black lead[3] is on their southern side near the Iredell line—was recently discovered breaking from the ground by the

[1]Colonel Wm. Waugh, emigrated from Pennsylvania; merchant; partner with Major Finley, had branch stores in Ashe, Caldwell, Cherokee and Jonesboro, Tennessee. Owned Moravian Falls where he had a handsome brick residence, flour mills, the best in the country, saw mill, &c. Never was married.

[2]A Frenchman. The vineyard was a failure. Some species of his grapes are still left in the community, said to be very fine.

[3]Now owned by Mr. John Love. Not worked.

side of a foot-path by a girl Miss ———. Her father has dug up a quantity but made only a small hole in so doing—so that it has been very little explored. It occurs in nodules in the soil and it is likely there is a good deal of it. It is on the land of a Mr. Davis. Returned by a different route—passed the grave of a negro who was whipped to death two or three years ago by his master and another man who took him from jail and left him dead in the road and [torn] . Passed the seat of Col. Waugh's saw Mill 5 or 6 miles from town. It is a wonderful seat formed by beds of gneiss rock crossing the Moravian creek. Supped at Dr. [1]Satterwhites. He is a native of Granville—an alumnus of the University—Formerly a merchant, now a physician— not as I suspect a very scientific one—a farmer—married to a sister of Mr. Cowan, of Salisbury, has three children—one pretty daughter—more of a reader than any other one in Wilkes county. Unitarian in faith though a good deal shaken of late—has left off swearing since Mr. Gay came to Wilkesboro. Found [2]James Norwood sick on my return.

Sunday Morning. Preached to a small congregation in the courthouse twice. Made out the worst when I had Gen Stokes and the largest and most respectable number of persons to hear me, this was not pleasant but must be submitted to.

Monday Morning. After packing my minerals—started for Surry. Dr. McKenzie in company for a few miles. Stopped at the house of John Bryant Esq. 8 miles from town and took dinner. Visited his gold mine. Whilst dinner was getting ready a man rode up and requested assistance for a woman who had fallen from a wagon and broken her arm. We went down and found her collar bone broken—got her into the nearest house. McKenzie adjusted it, made her as comfortable as we could. It is in such situations that riches are truly

[1]Horace B. Satterwhite, entered the University from Salisbury in 1805,

[2]James Hogg Norwood—Graduated at the U. of N. C. in 1824; was then a Tutor, afterwards a lawyer.

valuable by enabling us to command every assistance and comfortable situation. Started from Bryants, called at his son-in-law's Col Jones Wrenton to see a rock resembling (undecipherable) of the Sandhills but uninteresting in any other point of view. How did it get (word undecipherable) easily formed and in many situations? I must examine its situation about Fayetteville. Rounded pebbles are abundant about here but do not extend as he informed me more than half a mile from the river from which they are evidently derived. Passed on and crossed the river at a ford where a Lawyer named[1] Hill was drowned during the last year and put up at [2]Major Meredith Thurmonds. He has a beautiful situation—fine land—and a fine river road by him and the Pilot and Blue Ridge in view. Thurmond is not a very intellectual man but he treated me well. Showed me some blankets manufactured by his wife nearly equal to the rose blankets—made as Mrs Thurmond informed me by spinning the yarn very coarse—twisting it but little and carding it up. Also some paintings of his daughter's, some of them frightful enough, but displaying on the whole a good talent in a girl of 14 who had had no instructor. In the morning I encouraged the parents to cultivate the genius of their daughter and to give her a good education—Described the proficiency of my own daughter which I ascribed not to any superiority of talent but to the

[1]I am unable to learn of the drowning of any lawyer whatever. Perhaps I mistake the name. But the name of a Hill appeared on the court docket prior to 1828 and disappeared about that time.

[2]Maj. Meredith Thurman or Thurmond an influential and wealthy man lived on Yadkin near where the village of Ronda is situated. His place is now owned by Dr. James Hickerson. He with Dr. John and Benjamin Martin attempted to dredge the Yadkin, so that boats could be run to Wilkesboro, and all lost heavily. Thurman then moved to Tennessee. According to one informant his oldest daughter, Julia, the pretty one referred to by Dr. Mitchell, probably, married James Dickerson and lived in the "Hollows of the Dan" in Surrey county. He had another pretty daughter, Mildred, who married Jesse Franklin of Surry. According to another informant, his daughter, Sally, married a Colonel Holt and moved to Mississippi.

diligent care of her excellent mother. As I am leaving Wilkes I may say that it appears to be deficient in mineral riches. A series of beds of [1]iron ore not of the best quality appears to lie along the base of the Brushey Mountains and that is really all. The predominant rock is gneiss but there is a good deal of granite and mica slate. The good land lies along the river and is held by men whose wealth has given them an opportunity of acquiring intelligence and they have given to the county a respectability *abroad* not possessed by any of its neighbours.

Tuesday Morning. I had intended to pass from Col Thurmonds to Mr Franklin's in Surry but learn that that gentleman is gone from home to attend the meeting of the council of state convened on the 30th. to appoint a successor to the late attorney general J.F.Taylor. I determined to direct my course immediately to [2]Rockford the Metropolis of Surry. Thurmond accompanied me some distance to see me over the ford and passing through Jonesville a town of 7 houses I arrived at Rockford about 3 in the afternoon without any particular incident. The country was only moderately fertile. I had some apprehensions respecting the depth of the Yadkin as the river was swollen with antecedent rains but passed it in safety and put up with Matthew Hughes Esq. one of the 5 inhabitants (masters of families) of the place, where I had an excellent cup of coffee poured out to me by his beautiful and pleasant daughter. Rode out with Matthew to see some iron ore and some of Mr. Olmsteads [3]Lazulite (decomposed Chalcedony.) The ore is the magnetic oxide in gneiss, has been smelted is of a good quality—three miles from town but the vein appears to be feeble. Examined the rocks near the ford and found them to be Mica Slate. Mrs Hughes is of the Martin family and connected with Mrs Ham Jones who has

[1]Iron ore beds on the Brushey not worked.

[2]Rockford has about 100 inhabitants, The Act authorizing removal of the county seat to Dobson was passed in 1848.

[3]Dr. Mitchell is ridiculing Dr. Olmstead here.

been staying here[1] for some weeks and left these parts to go down to Mrs William's near the shallow ford only this morning. She is here to keep her children who are sickly from the pestilential air of Salisbury and talks of going to Chapel Hill.

Wednesday Morning. Started very early and went down to Major [2]William's 3 miles with the double, triple, purpose of getting my horse shod—some breakfast and seeing his limestone quarry. He is the brother of Lewis the Congressman and the father of the fellow who gave us so much trouble at the last session. He is a widower and has been so many years. His oldest daughter is married to a Mr. Dodge[3] a Northern man a lawyer living in Huntsville and gone on with her husband and sister to see his friends. Another daughter is at Salem and there is only one child a tolerably pretty little daughter at home. He treated me very well took me to see his quarries and kiln. Shod my horse (had him shod) gave me a breakfast and would have nothing in return. Also sent down a boy with me to Haynes' and Hutchins's ore banks.

[1]Col. James Martin, of the Revolution, married for his second wife the mother of Hamilton C Jones, the lawyer of Salisbury. Jones married the daughter of Major Pleasant Henderson, of Chapel Hill, whose wife was a daughter of Col. Martin. Matthew M. Hughes was a relative of the Dobsons and a man of wealth, who moved to Tennessee. He and Judge Martin owned about 40,000 acres in one tract in Surry county. Part of it was lost from uncertain description of the land in the deed: "40,000 acres between Dobson and the Blue Ridge."

[2]Nicholas Williams, father of the late Nicholas L. Williams and great grandfather of N Glenn Williams. There were two of the name at the University in 1827 from Surry County, John F. and Joseph Williams. John F. was the culprit His offence was visiting Hillsboro without permission and staying a day or two He agreed to obey the law and was pardoned.

[3]James R. Dodge, a nephew of Washington Irving, Solicitor of the Judicial Circuit. It was about him that Governor Swain quoted the English mock epitaph on one Dodge, to which he made the impromptu reply. The incident is narrated in Wheeler's History. Colonel Dodge had a son, a General in the Federal army, James Irwin Dodge. Governor Glenn is his grandson.

The former is in Mica Slate and a good deal worked out. The latter, Ben Hutchins's, is a recent discovery in gneiss and is used at Shepherds forge. Hutchins, is a quaker and his ore bank seems to be well wrought. Some of the ore is contaminated with soapstone and I found very good asbestus in the mica. There appeared to be a good deal of iron ore about this place, 6 or 7 miles from Rockford on the Huntsville road and some manganese. Got from Hutchins some [1]seed of a vegetable I had never seen before called by him raising corn of which it is the quality to make bread rise rapidly as he said. I have not much faith in it but took some of the seed as a curiosity. Rode down to Joseph Thompson's—an [2]old gander of a fellow.

[The letter ends here and is not signed.]

Elkspur Gap[3], Wilkes Co. July, 20th, 1828.

My Dear and Good Wife:

Amongst the unpleasant circumstances with which my present occupation is attended is the inability under which I am laid of spending the Sabbath in a manner which my conscience approves. As I am laid up here for a day with no good books at hand and as your situation is desolate—and lonely, (but still how different from that of a widowed mother), I believe I may regard it as a duty as well as feel it a pleasure to resume my narrative at the point where it was broken off upon the summit of the Grandfather mountain and fill a sheet or half sheet (you cannot in conscience complain as I have nearly exhausted all the paper which you gave me) with

[1]A correspondent in Surry says that the vegetable was hops. Dr. Mitchell was a skilled botanist, but it is no reflection on him that he could not identify the seed.

[2]Dr. Mitchell was fond of this term. It is not one of ridicule or reproach. He means that Thompson was of a solitary habit and odd, peculiar ways—like an old gander, who has lost his mate.

[3]Now called Deep Gap. It is a spur between Elk and Stoney Fork.

ulterior particulars. It is one of the pleasures of the relation in which we stand to each other that those trifles which to a third person would be intolerably wearisome have with us a deep as well as unfailing interest. You must excuse repetition if I should happen to fall into any.

The vegetation of the summit of the Grandfather is peculiar. Carexes (inhabitants of a moist soil) constitute the principal grasses, the trees are the Balsam Fir—and one or two others which I did not know. Does not [1]Michaux assign to this mountain a peculiar species of Pine not found elsewhere upon the Mountain? I could see nothing of any such and Henry Holtsclaw denied that there was any. Saw a new (to me) species of sambucus with red berries which were already ripe and at the point where we enjoyed the first prospect a small shrub grew and interwove its branches so thick that we reposed upon the summit of its limbs as upon a carpet. The climate of the summit must be considerably colder than that of Chapel Hill as the Blackberry, which I found fully ripe in many places as I came along before I reached the foot of the Mountain and were decaying through excessive ripeness, was still green throughout Ashe at this time and near the summit of the Grandfather was either flowering or passing into the state of berry. Capt. Smith, who had worn his thin coat up, complained bitterly of the coldness of the wind and I felt it myself though less than he did. To enjoy the prospect in all its glory we climbed each a several balsam tree and the tree being stunted in its growth had a large trunk (comparatively) thickly beset with limbs so that we could easily place our heads higher than its top. The prospect was

[1]There were two eminent botanists of this name, André Michaux, the father, and Francois André, the son. The first published "A Treatise on the Oaks of North America," 1801, and a "Flora Boreali—Americana," 1803. The son published "The Naturalization of American Forest Trees," 1805. A Journal of his travels, 1805, and "North American Sylva," 1810-1813, completed by Nuttall and others. He died in France in 1855. Both father and son were natives of France.

all but infinite. The day was fine—a few flying clouds and a thin haze or smoke only. The Pilot and several towns were distinctly visible, also endless ridges of Tennessee, the Black Mountain of Buncombe, the Yellow and Roan Mountains. The Table rock which appeared as a considerable eminence at Morganton was dwindled down to a Mole Hill. It was a question with us whether the Black and Roan Mountains were not higher than the Grandfather and we were all inclined to give them the palm and I very well recollect that when I was in Morganton last year a mountain lying towards the westward (the Black Mountain) appeared higher than it and the same impression was made by the Yellow and Roan mountains when I was upon the White Top. There can be no doubt that the country around the base of the Grandfather is higher than any other tract along these elevations but I suspect the Black and Roan to be higher peaks. The Grandfather appears to me to be Grau Wacke and to belong to the transition of Tennessee. Along the creek by which we ascended I found clay slate which appeared to be transition—also about the very head springs of Linnville and along the flank of the Grandfather. If I am correct I suspect that instead of there being a small strip of transition along the base of the Blue Ridge as represented by Maclure[2], that formation here occupies the whole breadth of the Mountains. If I were to spend another summer in these parts I would locate myself on the Old Fields of Toe River and investigate the district lying between and around these high mountains. When we had finished our examination we began to descend in a great hurry it being the object of the hunters to reach the cabin of Mr. Leather-

[2]Wm. Maclure, born in Scotland, emigrated to this country in 1796; formed project of a Geological Survey of the United States, crossed the Alleghanies fifty times, mostly on foot; published first Geological map of the United States and was called "Father of American Geology;" attempted but failed in establishing an Agricultural College, donated in his lifetime or by will $20.000 and all his collections to the Academy of Natural Sciences in Philadelphia. Died in Mexico.

stocking Aldridge and feast upon Venison, Bear Meat and Honey. In the attempt to do this we failed and camped on the top of Haw Ridge three miles from Barnhills. A shelving rock projected over our heads and kept off the dew; my blanket, after it had served as a manger for my horse to eat his provender from, constituted a bed for Henry Holtsclaw and Robert Barnhill. My Buffalo skin served Capt. John Smith whilst my bearskin served Mr. Noah Mast and myself. Thus furnished I lying in the middle and with a blazing fire at our feet we passed a pleasanter night than I had expected. I looked at my watch a good many times to see if it was not nearly morning.

Tuesday morning—Cloudy—it rained considerably before night. We rose as soon as it was light. Holtsclaw and Smith parted from us to go to the Old Fields of Toe River. The rest of us passed down the side of the Mountain. Breakfasted and had a pretty good cup of coffee at Barnhills. Left Masts about 10, the old man consenting to receive 50 cents for the trouble I had given him, for the Tenn. line. Thinking I owed Noah Mast some expression of gratitude for his attentions to me over and above what he had received, I called at his brother's a couple of miles from his father's and left my pocket map, to which he seemed to take a fancy, with a few lines in it. This was on Cove creek. A mile or two further struck upon gneiss rock which continued with an exception of a small tract of granite to within 2 miles of the Tennessee line on the top of the stone mountain. Called at Mrs. Farthings[1] three miles from the top of the stone Mountain and got my dinner. Madam was sick as she supposed with St. Anthony's fire and had been for a month. She appeared to be a worthy woman. Her husband was from Wake; being sent on a missionary Tour to Ashe he fell in love with the mountains and removed hither about a year ago or a little more and soon died. She was well

[1]See note to preceding letter.

acquainted with brother Patterson[1]. After my return from the Mountains young Farthing rode with me a couple of miles on my road to George Wilsons[2] on the Fork Ridge between Cove Creek and Beaver dam. I also left with him some specimens of rock to be brought down when he comes to Wake in the Fall. George Wilson lives on an eminence so steep that my horse had difficulty in climbing up when I led him. Staid at Wilson's--a log house with fringes between the beams--Tapestried with 17 petticoats of domestic manufacture. Wilson was gone a hunting and soon came in, it being dark—wet and tired, having hunted two days with some of his neighbors on the stone mountain distant three miles and killed—*Nothing*. His wife said he never was as tired as when he came from hunting. Ashe was first occupied by hunters who came in search of game. When they reported the fertility of the soil to their neighbours—they came in but engaged also much in hunting—and the habits generated in those days still continue even after the game is gone. The people lack industry. Some parts of the country —for instance on the three forks and about the Court are as fine as the good parts of N. England and if the Inhabitants would be industrious and cultivate them in a similar manner they might have painted frame houses instead of the present unsightly log hovels. It is a favourite theory of mine that Ashe has greater facilities for maintaining its soil in a state of productiveness (by means of clover) than any other part of N. Ca. that all the forests will hereafter be cut down and converted into extensive pastures on which will be fed vast herds of cattle and flocks of sheep—that it will hereafter be abundantly more populous than at present and even sought to as an agreeable place of residence. George Wilson is a red haired

[1]Rev. John Patterson, of Richmond County, who graduated from U. N. C. 1816, and was then for awhile tutor.

[2]Left a number of descendants living in the same settlement, among them "Lucky Joe Wilson."

sort of a fellow with a wife looking much better than he does. His wife is better looking and the only objection I had to her was: the fleas in the beds and that after wiping her soiled fingers upon her apron she proceeded directly to wet the meal for the corn bread which along with some milk constituted my supper. A man who was in, complaining of the difficulty of getting corn, I observed to him that now the rye crops had come in, his family could turn upon that instead of corn. He replied that he did not like rye, it was fit only for *horses*; so tastes differ. I could not help noticing the difference in point of intelligence between Wilson's children and mine attributing it to the better education mine had received from an attentive mother. By the way I forgot to mention that when on the balsam tree on the top of the grandfather I picked one of the cones or burrs for my wife—one for Mary one for Ellen —one for Margaret and a little [1]tiny one besides.

Wednesday morning.—My feet being still sore with the peeling they had got in the ascent of the Grandfather I only hobbled up the ridge over some very rich soil with corn growing upon it to see the ore which I found to be Iron ore in small quantity apparently but of good quality and took some specimens along with me. Rode to [2]Mr. Shearer's to dinner beating the rocks as I went, calling upon [3]David Dagget—who told me he knew where there was cotton stone—(Asbestus or Amaranthus) two miles from his house in the rich mountain and was glad to find he was neither at home nor likely to be in two days. Called at [4]Council's store (he keeps a post-office) and took a letter for a person in Wake and obtained leave to write to him if I should have occasion for information res-

[1] The "tiny one" was destined, as fate would have it, for another daughter, Eliza North.

[2] See note on preceding letter.

[3] Daggett used to attend Boon Court and teach a whistling school. Each pupil paid ten cents and he who whistled loudest "took the pile".

[4] Jordan Council, a very noted man; grandfather of Judge W. B. Council. His son, Dr. W. B. Council, was State Senator.

pecting Ashe County. Rode from Shearer's down to [1]David Sands, Esqr., a bachelor with three or four sisters, and his mother with him. He showed me some ore from Tennessee which he supposed to be Antimony but which proved to be micaceous oxide of Iron. Walked with him to see a white substance in the creek on his land. It was the [2]Porcelain clay. Sands rode down with me to [3]Esquire Miller's. We passed through a meadow--beautiful like those of Yankee land. Miller treated me kindly, would take nothing, is a busy little man of some sense; has been a member of the legislature. He showed us some Iron ore obtained from his land. It is the magnetic oxide enveloped in a stone (Magnesium rock) which would always prevent its being worked to advantage even if it were a rich ore and in great quantity. Walked up to where a son in law (Joel Bingham) has been begetting him a whole house full of grandchildren. In return he has allowed him the use of the land where he lives but has not made him a title to it. Joel had found or obtained ore from which lead had been run out and 'twas said he got it, but Joel was not communicative upon the subject, from the rocks above the house but they contained no ore. Joel said nothing so we returned after it was dark. Slept in a chamber with lads—two occupied a second bed in second corner of the chamber and two grown up girls a third.

Thursday morning.—Made rather a late start. Sands rode down with me to the Bull Ruffin. We had Hornblende Rock to the north of Elk, then up Elk by Farmers three miles to the Bull Ruffin. We ascended first the ridge opposite the Bull Ruffin to an ancient excavation; I pronounced it at once the work of aborigines searching for mica, large plates and masses of which lay scattered over the surface similar to what I had seen two or three miles from Rutherfordton and

1 Neither Sands nor his sisters ever married.

2 Has never been worked.

3 David Miller was a member of the Legislature in 1800, 1811 and 1818.

as many from Franklin on the Tennessee. The Bull Ruffin itself is a curious collection of Magnesium rocks containing octahedral crystals of iron ere disseminate but not abundant enough in any place seen by me to be wrought to advantage and the gangue too is an insuparable objection. Found a piece of chalcedony. Parted with Sands; returned to Farmer's quite chap-fallen, having gone up with the expectation of finding this a rich and valuable bed of ore. Farmer appeared to be an industrious worthy man—removed from Iredell and bettered his condition. Rode down to Jefferson. They were making hay by the way side. The pleasant smell of the hay—the sight of the rows of cocks in the beautiful green meadows such as I had been accustomed to in my childhood—the delicious coolness of the air—the shadows of the mountains and the luxuriant foliage and blocks of the chestnuts extending up their sides made the ride delightful—and to crown all on my arrival I found a letter from my dear wife informing me of the welfare of herself and children. I spent the evening in finishing a letter to her I had begun some time before.

Friday morning:—Was engaged till half past 10 in preparieg to leave Ashe county. Dislodged the crackers from the tin trunk into an old stocking and supplied their place with 7 lb. Maple Sugar, boxed my minerals and engaged to have them sent to Wilkesboro the next day; paid Jonathen Faw, Esqr., a heavy bill and after a tremendous quarrel with Fox, who had become active with the fortnights repose I had given him to recover from his bruises, started for the lower end of the county and the Elkspur gap. Packed up specimens of what I suppose to be specular oxide of Iron at intervals. At about 6 or 7 miles left the hornblende rock pretty much and passed into mica slate—the country became poorer. Broke one of the (Thills?, vide Walker) of my wagon in passing the south Fork of N. River and was obliged to draw up at [1]Joshua

[1] Was Register of deeds, afterwards Sheriff, a very influential man.

Coxes 11 miles from town where I met with a very kind reception and ate the first fresh venison I have seen in the county. Coxe is a man of more sense I believe than he is generally taken for, a pious Baptist and a genuine enemy to General Jackson, whom he terms without scruple a murderer. Coxe undertook to tinker my waggon and having told me of good specimens of rock crystals at [1]James Mulkeys I went down thither accompanied by Coxes son—the distance a mile and the river to cross. This is below the mouth of Cranberry. Found magnificent specimens of mineral that never possesses any beauty—the Staurotide.—Mulkey's crystalis ploughed up in the side a hill. There is probably a vein under the spot. The largest fragment on hand weighs 4lb. and was employed by his wife as a weight. I was obliged to give him the price of 4lb of lead, 50 cents for it. Returned and went out to Caneda Richardsons to see if I could find any of the garnets of which I had seen a fine specimen in the hands of Mr. Mitchell at Jefferson. Found Madam and one man and two daughters, one with a child in her arms. The old woman is Coxes sister. She brushed about, found me some garnets along with onions and several (torn) in an old Bee-gum went out——

[The remainder of this letter is lost.]

Lincolnton, July 22d, 1827.

Dear Marie:

It is perhaps hardly in accordance with the plans we have formed for the regulation of our future expedition, that I should write you two letters from this place, but as my last, from want of time. was rather brief, I perhaps owe to our love for each other to send you what you now receive. It is Sabbath evening and I have a couple of hours to devote to you. I would it were in my power to speak instead

[1]Mulkey's crystal bed not worked. A Ford on New Run bearing his name.

of writing to you. You recollect that I left Chapel Hill on Wednesday the 4th. I passed on without accident to Hillsboro where I called on Mr. Witherspoon[1] to see what good word he had to send to his brethren in the west. He said he had none. I called also on Barringer[2] and Graham, former students in the University, and obtained from them letters to gentlemen in the West. Passed on to Mr. Mebanes[3], and after dinner had a long stroll with Alexander northward of the road to see the rocks. After returning from that went out by myself and strolled to Father Curries[4]. The Father was gone to hold a preaching at the Canby's[5] tavern, and had not returned. Took my tea with the wife and daughter, and met the Father himself as I started back for Mr. Mebane's. Mr. Mebane told me that the granite north af the slate comes within 4 or 5 miles of him, is abundant at the Cross Roads church and Mr. Canby's. Thursday, started for Greensboro with the horse, Mike, in exchauge for Dick, and [6]Alexander Mebane along. The ride possessed no great interest. We passed over slaty rocks and over green, but not proper greenstone, rocks till we were some distance, passed Dick's in Guilford and 9 miles from Greensboro or thereabouts entered upon the granite country which continued to Greensboro. Seven miles west of the river (Haw) we appeared also to pass over a narrow tongue of granite having talc substituted for mica. Got our dinner at a Mr. [7]Gibson,s where I saw some

[1]Rev. John Witherspoon, Pastor of Presbyterian church.

[2]Daniel M. Barringer of Concord, and Wm. A. Graham of Lincoln.

[3]James Mebane. Speaker of the House of Commons, a student of the University in 1795. Alexander, graduated 1831.

[4]Rev Currie, Presbyterian preacher.

[5]Canby's Tavern, at a place now called Boone's Station.

[6]Son of James Mebane, afterwards a Presbyterian preacher.

[7]Joseph Gibson. Gave his name to Gibson Station, lived one mile N. E. of Whitsett; dwelling house still standing. He is buried near by in a rural cemetery and a stately stone gives the facts of his life. No living heirs.

tombstones made of the Randolph soapstone. When we came to Greensboro, Mr, Mebane drove to Mr. Paisleys[1] and I went to Moorings[2] and got my supper, and then walked up to Mr. Paisleys and staid all night. Mr. Paisley showed me some specimens of porous, half-decomposed granite which it was supposed might answer for mill stone, but they are neither hard nor tough enough. Friday, started early for Jamestown distant ten miles, passed over granite and hornblende rock of the same age with the granite and having the crystals of hornblende along—giving to the rock a black color till we came to Deep River hard by Jamestown—the ascent of the hills seemed an imperfect slate rock. Saw here window sills at Mendenhalls[3] taken from a soapstone ridge a few miles below. Three miles before I came to Jamestown found good specimens of Epidote, imperfectly crystalized. From Jamestown to within miles of Lexington passed over a tolerably fertile, but geologically speaking uninteresting country. After passing the creek miles east of Lexington the country seemed to change, the soil became red and there is a narrow strip of slate, as I am well satisfied thrown in, but of its extent I know nothing. Put up at Rounsavilles[4] in Lexington. He was from Samson; his wife is a pleasant, free spoken, sensible woman, who if she had been a man could have been an orator. Called on Mr. Allen the preacher. He has refused to take charge of the school, and so starves with his wife on 200 dollars. I think he is wrong. He could be more useful with the school. People who know nothing of the matter will say he sits still all the week and

[1]Rev. Wm. D. Paisley, organizer of the Presbyterian church at Greensboro. Principal of a school for girls and one for boys·

[2]Christopher Mooring kept a hotel on what is now corner of Davie and East Market Streets. He was an elder in the Presbyterian church, died about 1836 and his widow continued the business for some time.

[3]Richard Mendenhall, a highly etseemed Quaker.

[4]Benjamin Dusenberry Rounsaville; Graduated at U. of N. C. 1808,

preaches on Sunday. Called on Dr. Holt[1] who showed me some gold from David Coxe's mine in the lower end of the county, told me the soil in the northern part was grey granite and gave me an account of the Jersey farms of which I could make but little. Saw at Rounsaville some specimens of agate which his wife believed were from Baird's store or its neighborhood in Anson. Saturday, passed on to Salisbury over a country that puzzled me and which I was prevented from examining fully by the rains; the soil is red; there is much black sand from hornblende where the water has washed. Towards the bridge the country became decidedly granitic. I believe this red soil to be produced by decomposition of hornblende rock. Not far from the river saw a pile of rounded pebbles which I then believed to be derived from the river, but which I now believe to be derived from the alluvial many miles below. The country between the bridge and Salisbury, and around the latter place I do not fully understand. It may be genuine granite. Got my dinner, and saw and conversed with various persons—Alfred McKay[2] the candidate. He was very cheerful and friendly, but has now killed himself with laudanum. Saw Bosworth the superintendent of the gold washing establishment in Montgomery. The affair has blown out as I always knew it would. Bosworth has been running up a tavern bill at Slaughter[3] because he had no money to pay for some time. Slaughter dunned him and offered to take gold, but he said he had none. Sunday, preached after having staid over night with Mr. Rankin[4],

[1]Wm. Rainey Holt, M.D., farmer and stock-raiser—a pioneer in this business. President of the North Carolina Agricultural Society. Uncle of Governor Thomas M. Holt.

[2]At U. N. C. in 1811. Was candidate for the Legislature but failed. Was a son of Judge Spruce McKay.

[3]Slaughter's Tavern was on the S. E. side of Main (or Corbyn) Street, almost opposite the present Central Hotel (formerly Boyden House), was an inn of great repute.

[4]Rev. Jesse Rankin, pastor of the Presbyterian church, and principal

two sermons in the courthouse to a tolerable congregation. Dined with Mr. Cowen[1], and took tea with Dr Long[2], who is a worthy man. Monday, obtained specimens of the granite they use in building in Salisbury, obtained from Dunn's Mountain 3 miles east, and also from a place 4 miles north. Started to find where the dividing line betwixt the slate and granite crossed the Yadkin, which I did not find after all. Went down the river 8 1-2 miles, and then turned across the country, and put up with an old Dutch Blacksmith, named Stirewalt on the West bank of the Dutch Buffaloe and a little North of the Cabarrus line. Stirewalt told us respecting his son that he had been engaged in his studies all his life time; was now 25 years of age and had lately started for an institution in Virginia, where he was to pursue his education. Tuesday, started early for Concord in Cabarrus, passed over a country exhibiting few rocks, and the geological character of which I was not quite sure of till we came within 3 or 4 miles of Concord, where it was evidently granitic. Got a tolerable breakfast, and only a tolerable one, with a fractious old Dutchman named Klutts[3] who let us know before we had been half an hour in his house that he had once been a member of the Legislature, said that gold had been found at Concord in the branches about it which I do not believe. Harris[5] of the next session fell in with us here Passed over granite and hornblende rock seven miles to Poplar Tent church; did

of the Academy, left Salisbury about the close of the year; of great reputation as teacher and preacher.

[1]Thomas S. Cowen, wealthy, elder in the Presbyterian church. Judge Armistead Burwell, Dr. John H. McAden and Mr. E. Nye Hutchison married granddaughters. There was a contest over his will, but it was sustained.

[2]Dr. Alexander Long, of great repute in his profession, very popular.

[3]George Klutts, Commoner in 1817, Senator 1833 and again 1834.

[4]Edwin Robert Harris, who graduated in 1828, nephew of Charles W. Harris, first Professor of Mathematics in U. N. C.

not find Parson Robinson[1] at home, but got our dinner, and as were about starting he arrived. After leaving his house fell into a tract of country I did not understand, which continued with some variation till we were some miles west of Rocky river. I know now that it belongs to a peculiar formation, containing gold, lying about Charlotte. Turned aside to see a recently opened gold mine on Mrs. Alexander's[2] land. Traveled west until we came to the Statesville road, down which we turned towards Charlotte, and were very hospitably entertained by Dr. Alexander[3], living ten miles from Charlotte, from whom I received much valuable information. Wednesday, started after a very early breakfast and beat the rocks into Charlotte. They were tolerably uniform. Got our breakfast in Charlotte, found Smith[4] of the next Junior here who introduced me to Maj. McCombe[5]. Visited the Myers'[6] gold mine hard by Charlotte, then started down the Providence road for the southern boundary of Mecklenburg, stopped at Fosters[7]. He is an elder in the church at Providence, asked me whether I was engaged in my Theological survey, but is nevertheless a sensible man. Between his house and the Providence Church passed out of the gold country, say 9 miles from Charlotte[8], at about 17, for there being no rock but white flint upon the ground, I could not tell exactly when passed the bound-

[1]Rev. John Robinson, D. D. Pastor of Poplar Tent Presbyterian church and Principal of its classical school. A very eminent man.

[2]Widow of Dr. Moses Winston Alexander, sister of Governor Wm. A. Graham.

[3]Joseph McSmith Alexander—died in 1841.

[4]Franklin Lafayette Smith, of Charlotte, took first honor in the class of 1829 in U. N. C. Very promising but died young.

[5]Major McCombe married a Brandon. His daughter married Robert Davidson.

[6]Myers' Gold mine tract is the site of Biddle University, given by Col. W. R. Myers. Was not profitable as a mine.

[7]Foster lived in Providence, S. W. of Charlotte.

[8]This is as Dr. Mitchell wrote.

aries of the Slate, and took up at McCorkles, on the bank of Twelve Mile creek. Thursday, went out early to see some whin near McKorkles, and where he had been digging for gold, then started and passed over to Rocky River road, and was then 9 miles from the South Carolina line, travelled up the road all day on slate, saw a wonderfully fat gal, where we stopped for dinner, put up for the night at Weddington's, a little below Rocky River in Cabarrus. Friday, started early, crossed Rocky River, and found Read's about a mile from it, got breakfast, saw the stream in which they get the gold. The metal is evidently derived from a conglomerate rock like that at Chisholm's and Parker's. It forms generally the bed of the creek, and is abundant about the house, crossed the Dutch Buffaloe, still over slate and got our dinner at [1]Gen. Barringer's, where there is a wonderfully pretty widow, Mrs. Boyd, and an unmarried daughter. Started for Concord and crossed the edges of the slate 9 miles from Concord, then had granite through the city. Met Gen. Barringer on the road, put up at Klutts'. Saturday, started early on the great road for Charlotte, passed over granite and hornblende, got our breakfast at Orr's, still on granite, 8 miles from Charlotte. About 7 miles from the same entered the gold region, passed Hopewell Meeting House, a handsome brick building, and found Mr. [2]Morrison beginning a settlement in the woods. If I had known how little he was prepared to receive company, I should not perhaps have called on him. His little daughter was sick with a swelling. After dinner Mr. Mebane took the horse and wagon and went over to see [3]Charles Alexander, and Mr.

[1]General Paul Barringer, often Commoner and State Senator; father of Daniel M. Member of Congress and Minister to Spain, Rufus, Brigadier-General under Hampton, and Victor C. Judge of the International Court in Egypt. The pretty widow was his daughter, Margaret, afterwards Mrs, Grier. The other daughter married General W. C. Means.

[2]Robert Hall Morrison, D.D , Graduated at U. N. C. in 1818, in President Polk's class. Was 1st President of Davidson College. Stonewall Jackson married his daughter.

[3]Charles Alexander—old bachelor; lived three miles east of Charlotte,

Morrison and myself went out to see [1]Capp's gold mine. shecking fellows about it, drinking and fighting. The vein of quartz containing gold was nearly north and south with a dip to the west, about 75 degrees. 5 miles from Charlotte, west of the Beattys Ferry road. Sunday preached twice for Mr. Morrison, once with, and once without notes. They practice the half way covenants. There was a question about the Baptism of a child. It was objected that the father was intemperate, but it appearing that the parents were professors of religion, all difficulties were cleared away.

Monday, borrowed Mr. Morrison's horse and rode down to the slate, 14 miles; gold country all or nearly all the way; returned and dined at Mrs. Alexander's, went to see the curiously veined compact feldspar by the mill near Charlotte. Passed in and put up at [2]Dinkin's, borrowed Mr. Smith's horse and rode down to the border of the gold region about 6 miles towards ———— Ferry. Took tea at Mrs. Smith's, called on Mr. Davidson's, and learned from him that there is red land of the gold region on the Waxhaw Creek, below Mr. McKorkles where I struck the slate. Tuesday, started after breakfast, passed Mr. Morrison's, found he had gone to Concord to court, left my minerals, having made arrangement for having them boxed up. Left the gold region apparently about a mile short of the Hopewell Meeting House, turned down over horneblende rock to [3]Tooles ford, near which I found Robert Davidson, where I got the grandest dinner. [4]Capt.

[1]Capp's Gold Mine, now owned by Mr. John Wilkes. Over $1,000,000 of gold said to have been taken out of it.

[2]Dinkin's Hotel was where the Central now stands, kept by Watson Hayes and then by Moses Alexander, (not Moses Winslow Alexander.)

[3]Toole's ford, four miles below Cowan's, on the plantation of Robert Davidson. He was son of Major John Davidson, signer of the Mecklenburg Declaration. Name of Toole probably came from Matthew Toole, an Indian interpreter, mentioned in Colonial Records V. pp 141.

[4]Captain Samuel Caldwell, who fought at King's Mountain, Cowpens and Guilford Court House; father of Green W. Caldwell, Member of Congress, 1841–'43. Belmont and St. Mary's college are on his home place.

Caldwell went with us over the ford. The river is wide, and carries as much water as the Haw at Jones' Ferry. Went down to Mr. [1]Johnston's, looked over his minerals—no great affair after all—walked out with him and found that the water-worn pebbles around him are from the sandhills, as is proved by their being associated with the peculiar conglomerate rock of the sand hills. There is certainly some curious mica near him which expands in a candle, the phenomenon, which I believe to be electrical. Wednesday, started for Lincolnton, I forgot to mention pretty Mrs. [2]Johnston. Passed up the river to the Beatty's ford road, and fell in with the peculiar primitive granite mica slate formation of Lincoln county, about a mile east of the [3]Catawba springs. Drank of the water of those celebrated springs, now kept by M. Jugnot or Juggernaut as they call him, went on to [4]Gen. Graham's 2½ miles. Gen. not at home. Saw the famous King's Creek limestone and ore which last looks like mica slate. A peculiar porphyritic schistouse granite without much mica about Gen. Grahams. Rode to Lincolnton over granite and mica and chlorite slate. A storm of rain. At Linoclnton found the court sitting and saw Gen. Graham and others. Thurs-

[1]Col. James Johnston. His son Robert lived at the same place; having married Mary Ried daughter of Captain John Reid, a Revolutionary soldier. Among their children was Col. Wm Johnston, of Charlotte, and other prominent men. Another son, Dr William, married Nancy, daughter of Gen. Peter Forney. Gen. Robert D. Johnston, formerly of Charlotte, was one of their sons.

[2]Pretty Mrs. Johnston was either Mrs. Mary (born Reid), wife of Robert Johnston, or Nancy (born Forney), wife of Dr, William Johnston.

[3]Not "Sparkling Catawba Springs." Catawba Springs are in East Lincoln. They were much frequented in ante bellum days, but the buildings have gone to decay and the water is little used.

[4]General Joseph Graham, who fought gallantly in the Revolution, was a Brigadier General in the War of 1812, and Major General of Militia. He was for seven terms State Senator from Mecklenburg. He then was a successful manufacturer of iron in Lincoln Co. at Vesuvius Furnace. He died November 12. 1836, aged 77 years. He was father of the eminent William A. Graham and others.

day. Mr. Mebane concluded to stay and visit the girls with Mr. [1]Henderson. After breakfast I started for the Rutherford line which I reached after travelling along a ridge road most of the way so that I saw but few rocks. Those appearing were Gneiss, Hornblende rock and granite. Got my dinner at old Lewis's in Rutherford, went out to see Mr. Boggs's gold mine which furnishes nothing but mica, then rode down the county line to [2]Jacob Fullen wider where I was hospitably entertained. After examining his forge on Friday morning started with him for his ore bank or rather for Fall's Lime kiln on Kings Creek where [3]William Wilson has engaged to meet me Country Granite. Did not find Wilson, examined the ore bank then started on foot for King's Mountain about 5 or 6 miles below, towards this I travelled for 4 miles and understanding it was within the limits of S. Ca. returned. I however discovered a gold region along the Creek. Wilson not being come on my return to the ore bank, I started for his house but he soon overtook me and told me gold had actually been found on this formation—He conducted me between King's and Crowder's Mountains along a very bad road to his house—we turned aside to see the sulphate of Barytes. He lives in a large brick house, four rooms to a floor. He is a plain man—said nothing of his return, but sent word to his wife by one of his sons that we should want some supper and nodded to her in a very kindly way when we descended into the underground room to our repast. Saturday morning, Mr.

[1]Lawson F. Henderson, who graduated at U N. C. in 1827.

[2]Jacob Fullenwider was son of John F. who operated iron works at the High Shoals, has many descendants, among them Dr. J F. Miller, Supt. of the State Hospital at Goldsboro. Judge R. H. Burton married his sister, hence he was great uncle of Gen. R. F. Hoke It was his furnace that gave point to the old preachers description of the infernal regions: "Take a sinner out of hell and put him into Jacob Fullenwider's furnace, heated seven times, and he will freeze solid in five minutes."

[3]Wm. J. Wilson—Register of Deeds, a prominent and useful man, The site of his home is in Gaston Co.

Wilson accompanied me some miles. We rode near the line—sometimes in N. and sometimes S. Ca. 5 miles west of the Catawba according to Mr. Wilsons estimate, fell in with the gold country, and Wilson soon left me. Travelled up towards the Tuckasege Ford.[1] Crossed the S. Fork at Armstrongs Ford. Got my dinner at Capt. Caldwells. Took the Tuckasege Ford to Lincolnton· Called at [2]Dr. Hunter's to see his son's collection of minerals—a poor one—he was a better botanist—passed on to [3]Peter Smith's—a good natured old Dutchman, and put up for the night. 9 miles from Lincolnton. Left the gold country about 4 miles from the Tuckasege. Sunday started early rode to Mr. [4]Williamson's and got breakfast, went on to Lincolnton and preached in the morning, rode in the evening as far as the [5]cross. Went to hear Mr. Plum-

[1]Tuckasege Ford is on the Great Catawba, about three miles below Mount Holly. The Tuckasege Manufacturing Co. has built a cotton mill there and the Ford is not much used. It gets its name from the Cherokee Indian trail which led to it. The neighborhood joke that it received its name from some saying "it tuck a siege to get across" is an after invention. The road from the ford to Lincolnton was along the old trail and hence is called the Tuckasege road. Armstrong's Ford is on the South Fork of the Catawba about seven miles above its junction with the Great Catawba.

[2]It is probable that the home of Rev. Humphrey Hunter, an active Revolutionary soldier and divine is meant. I do not find that he was a D.D., but his celebrity may have given him the title He died in August, 1827. As he married in 1739 the son who made the collections, may well have been Dr. Cyrus L. Hunter, an enlightened man, author of Sketches of Western North Carolina.

[3]Peter Smith lived on the Tuckasege road about eleven miles from Lincolnton. It was on his place that the Broad-leaved Umbrella tree, a variety of magnolia, rare in these parts, was found, mentioned by Dr. Curtis and other botanists. Mr. John B. Smith, grandson of Peter, has a grove of them on his place.

[4]Robert Williamson, whose place is now the Lithia Springs property, owned by Gen. R. F. Hoke.

[5]The cross is where an old road from Tryon old court house to Beattie s Ford crossed the Tuckasege road. Mr. John B. Smith lives there. This is the site of the "Magnolia Grove" above mentioned.

sten,[1] a dissenting Presbyterian Preacher in the evening. Monday morning went down to [2]Major Henderson's before breakfast with the purpose of examining some clays Elective in his neighborhood. Examined them, had a long talk with him about the University. came back and packed my minerals and started after dinner for Gen. Graham's but finally took a different route, passed over [illegible] Mica Slate, by the quartz rock quarries from which they get hearths for their furnaces till we came to the state Road to one Sink's. It not being quite night when I got there I stripped off my coat and started back to get a glance at the ore bank—distance 3 ro 4 miles—descended into one. Was overtaken by a thunder storm on my return and got completely lost in the woods—but eventually made my way to Sinks very wet and tired after all the family were abed. Tuesday started along the state road for Maxwell Wilson's,[3] a poor country till within 3 or 4 miles of his house when the soil became red and much better. Got our breakfast at Wilson's and he rode with us 8 or ten miles in a northerly direction till we crossed Henrys River. Country lies well, soil good, Hornblende rock. Population mostly dutch. Got a good dinner at [4]Abel Shuffords, saw some specimens of Black lead from Burke with which he has been painting his house. Started for [5]Carpenter's in Rutherford. Crossed Jacobs River[6] entered the state road again but soon turned off

[1]The Associate Reformed Presbyterians refused to sing in their services any hymns not translations of the Psalms in the Bible. They have a college for males and females at Due West, South Carolina.

[2]John Lawson Henderson.

[3]Maxwell Wilson lived in what is now Catawba County, on the public road between Lincolnton and Newton.

[4]Abel Shuford also lived in what is now Catawba County' was a good citizen, probly a brother of Martin Shuford.

[5]The Rutherford Carpenters moved from near Lincolnton. A descendant, Rev. J. B. Carpenter, called Bate Carpenter, is a Methodist minister, and was a Representative in the Legislature in 1862.

[6]Jacob and Henry rivers are said to have been named after Jacob and Henry Whitener who lived on them.

to the west. Wandered from our road and got completely lost in a tremendous thunderstorm. Craved to know of a man, whom I met, the name of the state and county I was in and which way was North. He put us into our road and after travelling over an exceedingly sterile country, affording some indications of interesting minerals, arrived after dusk at Carpenter's two miles within the N. E. corner of Rutherford County. Carpenter knew of no mines in his neighborhood. Started with the intention of breakfasting at [1]Martin Shufford's from whom, he having been a member of the Legislature, we hoped to get valuable information but not finding him at home we passed on to one Morings, on the Main Lincolnton and Rutherford road. The journey to the latter place had little interest—the rock gneiss, and granite, we saw a collection of Rutherfordtonians on Sandy River 14 miles from town who told us of Copperas rocks below—had rain and arrived a little before sundown, put up at Twitty's—nephew to the [2]celebrated counterfeiter and formed an acquaintance with Mr. [3]Hall and Col. Burchette and Crayton. Thursday startcd for the [4]Whiteside settlement with Col. Burchette. It was said gold had been found there. Passed through a broken but tolerably fertile country of Hornblend, rock and climbed over a ridge of mountains into a basin containing the sources of first Broad River which contains the Whiteside settlement. Look it out on the map. Adam Beatty found gold, 3 small particles by washing, 5 times, in the creek so that gold is certainly there. Passed on to Pelets and got a miserable dinner-appetite not good. Mr. Mebane was taken quite unwell so that instead of passing down the Eastern side of the county I was obliged to set out with him on my return to Rutherford-

[1]Senator 1825, 1826, '27. Succeeded by Martin P. Shuford.

[2]Russell Twitty.

[3]Col. Burchette was Clerk and Master in Equity. Weldon Hall, a lawyer. Isaac Craton, long Clerk of Superior Court, father of Marshall Craton, the first Colonel of the 50th N. C, Regiment.

[4]Now Golden Valley Township in north end of Rutherford Co.

ton. Clambered out of the valley by a different route. Passed through a corner of Burke and had a glorious view of the mountains, put up for the night at a Mr. [1]Pattens on Cane Creek 15 miles from town. Patten is a very grave looking fellow—has been a member and I believe an elder in Mr.[2]Kerr's church; his wife is the most masculine woman I ever saw—fit to command a regiment of grenadiers. Friday after breakfast returned to town—Called at the post office for a letter from my wife—which I had desired Mr. Reinhardt to forward from Lincolnton to this place but of course did not get it. Mr. Mebane appearing much better, started in the evening in company with Dr. Ossomy Irving for the S. Eastern part of the county—Passed down the Yorkville road, visited a [3]copperas rock on the land of Samuel Harvie on a small branch ————. It is a Mica slate rock with sulphate of Iron disseminated through it, Passed on with the intention of staying over-night at Mrs. [4]Hamilton's but hearing when near the house that the family were gone to the camp-meeting turned aside to Esqr Moore's and put up at Esquire Moore's—a good deal unwell—as indeed I had been for 24 hours. Saturday, started after breakfast and rode down to Mrs. Irvine's. Got fresh horses and rode over to see the copperas rocks where William Beatty used to live—Dined at Mrs. Irvine's on our return. She gave us a good dinner—is tolerably good looking—buxom woman. Started after dinner for the Camp Meeting. Crossed second Broad river at the high Shoal where there is a forge—where they get mill-stones and where I obtained specimens of red ore of this country. Passed, on and after riding till it was late in the rain, put up at Mr. Twitty's

[1]Father-in-law of Col. M. O. Dickerson, long Clerk of the Superior Court and father of the present clerk, M. O. Dickerson.

[2]"Kerr's Church" was called Little Brittain. He was a Presbyterian minister.

[3]No copperas rocks worked now in Rutherford.

[4]There are many Hamiltons in the county.

tent on the [1]Camping ground. Learned that Mr. Mebane had been more unwell after I left him. Sunday Morning, were ordered out early by Mr. Moore who married Mr. Twittys sister and was with him, lest we should be excommunicated. It rained and there was preaching in the tents at the 4 corners of the camping grounds. Saw [2]Mr. Carson the late and would-be member of Congress for this district, and others. Was introduced to the ruling elder by Mr. Twitty and by the elder to the other preachers. In the evening took in Mrs. Bowen, Alex Twitty's niece, and her two children and returned to Rutherford. Found Mr. Mebane had been quite sick on Saturday morning but was now better though he still complained af a head ache. Monday. Mr. Mebane having eaten large quantities of green corn on Sunday passed a restless night and was taken with vomiting in the morning; called in the doctor—concluded I must submit to have my plans broken up. Rode out 3 miles with [3]Esquire Dickey and Dr. Torrey to see the [4]isin-glass hill in the neighborhood and on my return called on Allen Twitty to learn the facts respecting a piece of gold said to have been found there. Tuesday. I rode out to examine a place on Tollivan [5]——— land, 15 miles return—God willing, tomorrow and start for Asheville on Thursday if Mr. Mebane's health will admit of it. If Mr. Mebane had not been taken sick I suppose I should have been at home by Saturday after the beginning of the session. Being delayed now—a little longer—say to Mr. Andrews that if

[1]The Twittys, as a rule, were, and are, very good people. The camp-meetings have been abandoned for many years, except Rock Spring, kept up the last year or two because the site was given on condition that they should be continued.

[2]Samuel Price Carson, of Burke, Representative in Congress, 1825-1833, had the misfortune to kill Dr. Robert B. Vance in a duel; member of the Convention of 1835; removed to Texas in 1835 and was Secretary of State; died in 1840.

[3]Esquire Dickey, a good citizen, lived eight miles from Rutherfordton.

[4]The isinglass (mica) hill is now worked profitably.

[5]Illegible—looks like Creiss'.

Osborn[1] can come into the Sophomore class the feelings of people in the Upper country and the circumstances of the case are such as to render it very desirable he should do so. The cry is against the hardness of our conditions and this case will render it much louder.

This little margin the rest of the letter being occupied with my travels I will devote to love and expressions of affections for my Maria and my sweet babies. That I should doat on them is a natural consequence of the relation of parent in which I stand to them--towards yourself I have never been lavish of soft words and epithets of endearment. Not as lavish as I should have been had I always loved you as I do now. When I shall next press you to my bosom will your heart be as full of tender and strong attachment as my own?

Rutherfordton, Aug. 3,—Friday.

Mr. Mebane has a settled fever which may last two or three weeks. The physician does not consider him in danger. When I shall be able to come home is altogether uncertain. Mention these things to the [2]doctor in excuse for my absence but with provision that it do not come abroad so that the Mebane family generally shall be distressed. I write to his father today. My own health is perfectly good. Mr. Osborne must stay with you until my return.

I hope he enters college. Farewell my dearest, well beloved and only beloved wife.

E. MITCHELL.

[1]James Walker Osborne, was admitted, graduated with honor in 1830; was afterward State Representative and Senator; Member of Convention of 1861, and Superior Court Judge.

[2]President Joseph Caldwell.

ACKNOWLEDGEMENT.

In addition to those on page 6. I am grateful for valuable information to Hon. M. H. Justice, of Rutherfordton, Col. Paul B. Means, of Concord, and Professor Collier Cobb, of the University of North Carolina.